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Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined third to sixth periodic reports submitted by Malta under article 44 of the Convention, due in 2017*, **

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I. Introduction and purpose of reporting

Introduction

1. Malta signed the United Nations Convention on the Rights of the Child on 26th January 1990. Following its ratification on 30th September 1990, Malta has continuously and assiduously worked to improve the conditions and the rights of children through various measures and initiatives, as can be attested by previous periodic reports submitted by Malta. Successive Governments in Malta have always paid particular attention to child and adolescent issues, thereby ensuring that these cohorts of the population enjoy utmost respect and support in Maltese society. Given the size of the country, child policies and budgeting have often been mainstreamed or combined with other related policies, such as family policies, in order to provide a more rational and holistic approach to child development and wellbeing.

2. Therefore, it is no coincidence that the present administration has decided to give even more impetus to this sector, as evidenced by the change in nomenclature of the Ministry mainly responsible for this area, to that of Ministry for the Family, *Children's Rights* and Social Solidarity. Indeed, this change is reflective of an intensification of efforts and focus by the Government and an acknowledgement of the increasing importance of child policy initiatives and actions. As will be seen in the following sections of the report, the last few years saw the introduction of numerous measures in various areas such as education, health, welfare support and so forth, many of which are based on the recommendations put forward by this Committee and others resultant from socio-cultural changes taking place in Malta.

3. In this regard, two key initiatives are currently underway. These initiatives have the potential of greatly impacting, while simultaneously focusing the Government's efforts in giving children and adolescents more visibility and participation in society. They also guarantee better protection and improved opportunities for their growth and development. The first of these initiatives is the Child Protection (Alternative Care) Act, which was enacted by Parliament in January 2017. The second key initiative being currently undertaken is the drawing up of a National Children's Policy, work on which is at a very advanced stage following an extensive consultation process with all the relevant stakeholders, including children themselves, in line with the objectives set out in the United Nations Convention on the Rights of the Child.

4. Besides these two important and far-reaching initiatives, the Government has, in recent years, also progressively rolled out a number of other initiatives covering a wide spectrum of child-related issues. Greater emphasis was placed on the physical and mental wellbeing of children, especially those who are more vulnerable or in need of help through measures in various areas of public service delivery. The following submissions by Malta are intended to provide an update on the previous periodic report as well as to address the issues that the Committee highlighted in its observations to the Maltese Government.

II. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

5. Malta is in the process of strengthening the legal basis in this particular area through several legislative acts. Indeed, in December 2016, the Equality Bill and the Human Rights and Equality Commission Bill were presented to Parliament for their first reading following their presentation by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties[1] for public consultation in December 2015.[2] These Bills aim to restructure and strengthen Malta's legal framework on human rights and discrimination through the

[1] As from June 2017, the name of this Ministry has changed to Ministry for European Affairs and Equality

[2] http://socialdialogue.gov.mt/en/Pages/Media/Press_Releases/PR162837.aspx

transformation of the National Commission for the Promotion of Equality into a Human Rights and Equality Commission answering to Parliament with a wider remit.

6. More specifically, in January 2017, the Child Protection (Alternative Care) Act (Act No. III of 2017) was enacted. As stated in the Act itself, the principal aim of this legislation is to safeguard, protect and give priority to the best interest of the child in all instances and to guarantee permanency of the children's future in the shortest possible time. The Act covers various aspects of Child Protection, including a review of the childcare system, protection of children during judicial procedures and the availability of children's advocates and issues related to foster care, amongst other things. Considering that the Act envisages the establishment of different provisions necessary for its enforcement, the Government is presently in the process of implementing this Act by setting up the necessary structures.

7. Furthermore, a National Children's Policy (2017–2024) consultation document was launched for public feedback on 19th September 2016 to present Malta's way forward for safeguarding and promoting the rights and general wellbeing of all children. Following this consultation exercise, Malta is in the process of finalizing a National Children's Policy (2017–2024) which will be issued for publication later this year (2017). The drafting of this policy, which is guided by the United Nations Convention on the Rights of the Child, aims at placing children's rights and wellbeing at the forefront of the national agenda through enhanced awareness-raising, child-led participation and evidence-based practice, as well as the mainstreaming of child-related issues and increased cooperation with other policy structures. This Policy should also help to consolidate more concrete action in the field, through the promotion and protection of the rights of the child in the home, social sphere, health, urban and natural environment, education, employment, leisure and culture. This Policy complements various other national reports, policies and strategies that directly or indirectly promote children's prospects.

8. However, beyond these overarching legal and policy measures, the Government has also taken several important practical steps, some of which were guided by this Committee's recommendations. Social workers within the Ministry of Home Affairs and National Security and the Agency for the Welfare of Asylum Seekers receive training in various aspects and modules such as "Interviewing Children" and training in "Human Trafficking", which focus mainly on child trafficking. Moreover, social workers attended conferences on how to protect child migrants and refugees. Further training, with a focus on child human trafficking, was delivered by the International Office of Migration, European Asylum Support Office, Frontex Agency, Jesuit Refugee Service, as well as other local NGOs.

9. The judiciary, the Police and immigration personnel were also given relevant training, such as specific training on Domestic Violence for the Police. Training on child protection was also provided to front-liners from Immigration, Police, the Refugee Commissioner's Office, and Agenzija Appogg which is the national welfare agency for children, families and the community forming part of the Foundation for Social Welfare Services, part of whose remit is the "anti-trafficking service".

10. Although Malta believes that such training is vital in addressing child-related issues — especially for those in particularly difficult situations — a more direct and permanent approach is also fostered, namely that of conveying the values of the Convention through the educational system. Malta's Respect for All Framework (2015) adopted a whole school approach. The framework places responsibility on each member of the school community to internalise positive human values and to act as role models for the school community.[1] This approach is defined as a unified collective and collaborative action in and by educators, administrators, parents and students that has been strategically constituted to improve student learning behaviour and wellbeing and the conditions that support these.

11. The Institute for Education, founded in April 2015, plays a central role in providing professional development for professionals in the teaching field on a range of areas in order to be in a position to transfer knowledge, skills and attitudes to the students. Psychosocial teams consisting of counsellors, youth workers, social workers, career advisors, and

[1] https://education.gov.mt/en/resources/News/Documents/Respect%20For%20All%20Document.pdf

prefects of discipline are present in local schools and work in constant collaboration with administrative staff of the schools, anti-bullying teams, psychologists and other professionals to address any existing issues from inception.

12. In this regard, the Safe Schools Programme within the Ministry for Education and Employment, which includes the Child Safety Service and the Anti-Bullying Unit, provides services for the development of whole-school responses that promote pro-social behaviour through intervention, prevention and training support. The Safe Schools Programme provides training for all employees of educational establishments regarding recognition of child abuse and on the procedures to be adopted when an alleged case of child abuse occurs.[4] Moreover, the Anti-Bullying Unit provides staff and school development measures to initiate, support and coordinate the efforts of schools in anti-bullying programmes to ensure a safe and caring environment conducive to learning and wellbeing.[5] They also aim to train all stakeholders (school staff, parents and students) to understand the needs and vulnerabilities of minority groups and on how to address these needs. The Safe Schools Programme operates by following three national polices being: the Addressing Bullying Behaviour in Schools Policy (2014);[6] the Child Protection Procedures for Schools (1999); and the National Policy for Tackling Substance Abuse: Procedures for Schools (2001).[7] The work undertaken by this programme is two-fold: that of providing support and counselling sessions as well as providing educational programmes. The aims of the Safe Schools Programme is to:

(a) Ensure that students are feeling secure in a non-threatening environment;

(b) Prevent and intervene in cases of physical, emotional, sexual abuse and cyber abuse;

(c) Encourage and motivate students to respect each other; and

(d) Allow for personal differences.

13. A Year 4 prevention programme includes a class intervention session and a one-to-one session with every Year 4 student aimed at equipping pupils against abuse and violence and at detecting whether they are in such a situation. Issues of abuse and violence (including those through social media) are also addressed in curricular subjects namely Personal, Social and Career Development lessons (PSCD) at both primary and secondary levels of the educational system. Additionally, the Anti-Bullying Team are working in conjunction with SOS Malta on an international programme called Against School Aggression Programme, where students are made aware of various diversities and difficulties that children from minority groups go through and are encouraged to foster a sense of empathy and understanding towards minority groups. The Anti-Bullying Team also works with students who are going through bullying based on sexual orientation. When students are finding difficulties with their sexual identity, the Anti-Bullying Team acts as a link between the student and the Rainbow Association, who in turn provide professional and specialised support both for the students and their parents.

14. The Department of Early Childhood and Education, within the Faculty of Education at the University of Malta, offers a study unit on children's rights and children's voices. The aim of the study unit is to familiarise learners with the United Nations Convention on the Rights of the Child in order to be able to analyse the extent to which children's rights are respected whilst raising further awareness and sensitization on the role of equal

[4] http://education.gov.mt/en/education/student-services/Pages/Psycho-Social_Services/Child-Safety-Service.aspx.

[5] http://education.gov.mt/en/education/student-services/Pages/Psycho-Social_Services/Anti-Bullying-Service.aspx.

[6] https://education.gov.mt/en/Documents/Addressing%20Bullying%20Behaviour%20in%20Schools.pdf. This emanates from the Respect for All Framework (2014).

[7] https://education.gov.mt/en/resources/Documents/Policy%20Documents/Tackling_Substance_Abuse2.pdf. This policy is being revised.

opportunities for children and families, based on rights irrespective of ability, culture, gender, class or socio-economic status.[8]

15. The Faculty of Education within the University of Malta also offers a number of study units which serve to provide training and sensitization on a range of areas pertaining to the wider context of issues concerning children's rights, as part of the Bachelor of Education (Honours) in Primary Education. The courses include training in:

(a) The development of interpersonal, helping and intrapersonal skills for working with young children;

(b) Strategies on how to respond to diversity in the classroom;

(c) Responding to disability issues and inclusive strategies; and

(d) Approaches that promote social and emotional learning and positive behaviour.[9]

16. Consequently, such courses serve to holistically address the broader issues surrounding children's rights and wellbeing.

17. Through its Masters course in Teaching and Learning, the Faculty of Education within the University of Malta, further offers advanced instruction in Ethics Education, Personal, Social and Career Development, hence enabling professionals working in the teaching profession to obtain a critical appreciation of the issues surrounding personal development and the broader children's rights milieu.[10] Moreover, in collaboration with the University of New Orleans, the Faculty for Social Wellbeing within the University of Malta offers a collaborative Masters programme in Transcultural Counselling.[11] The programme provides students with a solid knowledge base and a broad spectrum of counselling skills and competencies necessary to work in a variety of counselling settings, thus serving as a mechanism for further sensitization for professionals working with children, amongst other cohorts.

III. Definition of the child (art. 1 of the Convention)

18. From a legislative perspective, a "child" is identified primarily through age, although this differs depending on particular circumstances. According to the Civil Code Art 16, a child is defined as follows:

(1) Majority is fixed at the completion of the eighteenth year of age;

(2) A major is capable of performing all the acts of civil life, subject to the restrictions contained in other special provisions of law.

19. Having said that, the Marriage Act, Chapter 255 of the Laws of Malta, Article 3(1) states that a minor who has attained the age of 16 years may contract a valid marriage, provided that, when such minor is subject to parental authority or tutorship, the consent of his or her parents or tutor is required. Likewise, the Civil Unions Act, Cap. 530 Laws of Malta, Act IX of 2014, Art. 3 (1) as amended by Act XXIII of 2017, allows partners to enter into a civil union at the age of 16 years.

20. As will be seen later on in this report, for employment purposes, a "child" is defined as a person who is under school leaving age (currently this is 16 years) and "adolescents" as persons who have attained 16 years of age but are less than 18 years of age. However, with regard to the consumption of certain products, for example alcohol, the legal age currently stands at 17 years.

[8] http://www.um.edu.mt/educ/studyunit/PRE2001

[9] http://www.um.edu.mt/educ/programme/UBEHPRE-2015-6-O

[10] http://www.um.edu.mt/__data/assets/pdf_file/0010/313588/MTI_brochure.pdf

[11] https://www.um.edu.mt/icp/ma-counseling-counselling

IV. General principles (arts. 2, 3, 6 and 12)

21. In the area of equality, the National Commission for the Promotion of Equality works to safeguard equal treatment on the grounds of sex; family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, gender identity, gender expression or sex characteristics in employment; training and vocational guidance; and in banks and financial institutions by virtue of the *Equality for Men and Women Act — Cap. 456*.

> "For the purposes of this Act, and unless the context otherwise requires, the terms "man" and "woman" include males and females irrespective of their age."

22. The National Commission for the Promotion of Equality's Commissioner is thus empowered to investigate complaints of alleged discrimination on the grounds covered by its remit. As part of its core work, the National Commission for the Promotion of Equality provides training to groups who request such training. In line with the National Commission for the Promotion of Equality's remit, various subjects were addressed during different sessions held with professionals working with children including: equality legislation; non-discrimination on the grounds of gender, family responsibilities, age, sexual orientation, religion/belief, race/ethnic origin and gender identity, gender expression and sex characteristics; stereotypes; appreciating and managing diversity; preventing and addressing harassment and sexual harassment; and gender mainstreaming.

23. The National Commission for the Promotion of Equality also provides training to different groups of children addressing topics such as understanding equality and non-discrimination; challenging stereotypes; identifying and dealing with harassment and sexual harassment; and appreciating diversity. Sessions are organised in accordance with the circumstances and needs of the respective participant children.

24. The National Commission for the Promotion of Equality is also working on a set of initiatives[12] with the aim of challenging stereotypes tied to traditional gender roles among employers and society-at-large and highlighting the benefits of sharing family and domestic responsibilities through the uptake of various incentives by both men and women. As part of this project, the following initiatives targeting children were carried out:

- Students (aged 14–16 years) participated in a drama activity titled "*Theatre in Education*" with the aim of challenging notions tied to traditional roles of men and women. Actors perform different scenarios and portray different roles within family settings. Such sessions are instigating thought and discussion amongst youth related to gender stereotypes, gender equality and the sharing of domestic and caring responsibilities among family members. Since its inception in July 2017, 1,376 students participated in 14 performances;
- A roving exhibition van visited post-secondary and tertiary educational institutions to raise awareness on gender equality, equal economic independence, the sharing of domestic duties and care responsibilities, and the importance of the creation of balance between work and private life. Ideas and thoughts from male students were compiled on these subjects. In total, 818 male students from 6 different post-secondary and tertiary schools in Malta and Gozo were reached;
- A number of video clips to promote diversity and combat racism[13] are available on the National Commission for the Promotion of Equality's website, including one entitled "*The kids filming*", which promotes positive images of ethnic minorities in a local setting and awareness-raising promoting cultural diversity. The video clips are available on National Commission for the Promotion of Equality's website.

25. Other agencies, such as the Agency for the Welfare of Asylum Seekers, take a holistic, integrated and non-discriminatory approach to children in irregular migration situations. Moreover, the Office of the Commissioner for Children has commissioned a

[12] These initiatives are carried out as part of the EU co-funded project *JUST/2014/RGEN/AG/GEND/7785 Equality beyond Gender Roles*.

[13] These video-clips were developed as part of the EU co-funded project *I'm Not Racist, But...* JUST/2011/PROG/AG/1902.

study on all foreign children residing in Malta, to assess the entitlement of rights and services of each child.

26. Given the importance of media and the portrayal of children in general, the Malta Competition and Consumer Affairs Authority, following an initiative of the Commissioner for Children, worked on standards in relation to children exposed in media. The core group was set up to prevent discrimination on all children, including irregular immigrant children. Although the main aim of this initiative was not to target specifically irregular immigrant children, the possible discrimination on this group also featured in the work carried out. This core group included representatives from political parties, persons representing the disability sector and media representatives, such as individuals from the Public Broadcasting Services. For the time being, the standards will target the use of children in political campaigns, and will eventually apply to adverts, TV programmes, etc. The standards were launched for public consultation in May 2017 and published thereafter.

27. In an effort to better uphold the rights of children, a training session was organised on the 26th April 2017 by the Ministry for Justice, Culture and Local Government, in collaboration with the Domestic Violence Unit, with the attendance of Judges and Magistrates, including the Magistrate presiding over the Juvenile Court. Furthermore, the Judicial Studies Committee in collaboration with Commissioner for Children is planning to organise a briefing session on the United Nations Convention on the Rights of the Child, while a training session on Domestic Violence, being organised in collaboration with the Ministry for the Family, Children's Rights and Social Solidarity, is also planned for April 2018.

28. In this context, mention has to be made of the role of the Commissioner for Children who, as stated in Article 9 (b) of the Commissioner for Children Act, ensures that children are given the opportunity to express their opinions and that these are in fact considered, not least in judicial proceedings. In effect, the Office of the Commissioner for Children firmly believes that children "shall be provided the opportunity to be heard in any judicial and administrative proceedings" (Art 12.2 UNCRC) that concern them. As at present, in judicial proceedings, rather than being automatically represented by a children's advocate, it is the Judge who decides whether the children's advocate is assigned or not. A request to this effect can also be made by a mediator or a parent.

29. It is against this background that new legislative developments, such as the enactment of the Child Protection (Alternative Care) Act, should be seen. The principle of the best interest of the child is the cornerstone of the Child Protection (Alternative Care) Act (Act No. III of 2017) and is mentioned in as many as twenty-one instances in the Act, including in Article 1 (2) wherein the principal aim of the Act is stated as being inter alia "to safeguard, protect and give priority to the best interest of the child in all instances ..." (p. 55).

30. This Act replaces the Children and Young Persons (Care Order) Act, which was more limited in scope in that, unlike the newer Act, it did not cater for the needs of those children who are not under a care order. In fact, the principle of the best interests of the child was mentioned but once in the previous Act. Given that the new Act accords greater power to the Court as opposed to the Minister to decide on a child's alternative care, the principle of the best interests of the child should feature more prominently in both the reasoning and content of judicial decisions taken in respect to vulnerable children.

31. The draft National Children's Policy recognises the participation of all children across all sectors of society, and is mentioned various times throughout the draft National Children's Policy. This is because children should always be encouraged and empowered to stand up for their rights since adults might not always be sensitive to, or aware of, what children feel, think and want. Similarly, recognition is given to the need for children to be provided with the necessary practical and psychological support, according to their level of maturity, to make the best possible decisions for themselves.

32. The Government considers that the setting in which children are heard is crucial to the process of listening to children. In this respect, there should be a specifically-designed set-up to make children feel at ease where children are listened to by all the professionals involved in a court case, be they lawyers, judges or magistrates, social workers or

psychologists. Related to this, is the need to ensure that all these professionals are trained to deal with children in the most caring and sensitive manner possible.

33. With this objective in mind, personnel from Agenzija Appoġġ, visited various countries where Children's Houses operate, with the aim to acquire information and learn of professionals' experiences, such as in the case of Barnahus in Iceland. Following these visits, the Ministry for Family, Children's Rights and Social Solidarity undertook work on the setting up of a Children's House in Malta. This was inaugurated in May 2017 and will start operating once the enabling Act is in force.

34. The Child Protection (Alternative Care) Act, Act III of 2017 will also provide for a stronger representation of the child, both in court, as well as in front of the review board established by the law to deal with alternative care placements, as attested by the following extract:

> "Article 12 '(3) The care plan shall in all cases be prepared with the participation of the child, if considered as having sufficient understanding, and with the participation of any such other person or entity as the Director may deem appropriate in the circumstances of the case.'".

V. Civil rights and freedoms (arts. 7, 8, 13–17, 28, para. 2, 37 (a) and 39)

35. Maltese legislation (Civil Code Cap. 16) provides for persons born in Malta to be registered at the Public Registry. The birth registration is carried out provided that all relevant information, including any required related supporting documentation, is presented to the Public Registry. It bears pointing out that the Civil Code Cap. 16 was amended by means of Act XII of 2015 in order to cater for the following situation:

> "285A. (1) The Director of the Public Registry may, for humanitarian reasons only, register the birth of children that were born at sea on board a vessel that is not registered in any place and provided that it results that the Maltese islands were the first harbour where such vessel disembarked immediately after the birth of such child.
>
> (2) The Director shall proceed with such registration if he is satisfied, by means of scientific verifications, assurances of geographical co-ordinations and any other verifications or assurances that the Director deems appropriate, that the child was born at sea on board a vessel that is not registered under any jurisdiction. In such cases, the place of birth of the child shall be listed as born at sea.".

36. Regarding the acquisition of Maltese citizenship by persons who are born in Malta and who are de jure stateless, it is important to note that such persons shall have the right to Maltese citizenship in accordance with Article 10(6) of the Maltese Citizenship Act (Cap 188). Moreover, following the date of Malta's statehood on the 1st September 1964, up until 31st July 1989, the jus solis principle is applied to Maltese citizenship legislation. As a result, persons born in Malta during that period acquired Maltese citizenship automatically at birth, and are therefore not stateless.

37. Going beyond citizenship-related issues, the Child Protection (Alternative Care) Act 2017 reinforces the right not to be subject to cruel, inhuman or degrading treatment or punishment including corporal punishment. The new Act provides for the setting up of the Office of the Director responsible for Child Protection, to whom any reports of children suffering harm have to be directed for follow-up and investigation. Furthermore, under Article 8 (4) of the Act, failure to report a case of suspected child abuse in the course of one's paid or voluntary work is a punishable offence. Hence, the Act is expected to centralise all cases of real or alleged child abuse in the database of a single Office that is set up by law. Article 4 (f) enables the Director to "from time to time, issue guidelines with respect to what may constitute significant harm or risk of significant harm". This will help to create stronger and more refined awareness among professionals and the public at large as to the various forms and signs of child abuse. The non-reporting of such cases would incur a fine once the aforementioned Act enters into force.

38. Furthermore, legislation prohibiting Corporal Punishment was introduced in Article 339 of the Criminal Code by means of Act III of 2014. In February 2014, the Maltese Parliament amended the Criminal Code to prohibit all forms of corporal punishment of children and added a clause to the Article clarifying that no form of corporal punishment could be considered. Indeed, the amended Article now makes it clear that a parent may be deprived of the rights of parental authority, "if the parent, exceeding the bounds of reasonable chastisement, ill-treats the child, or neglects [their] education". Thus, reasonable chastisement can no longer be considered an excuse for physically harming children.

39. Furthermore, the Victims of Crime Act, Act IX of 2015 Cap. 539 of the Laws of Malta, was enacted by Parliament in 2014. Amongst other provisions, this law states that: "(1) Where a victim is identified as a minor and it is deemed that a conflict exists between the interests of the holders of parental responsibility and the interests of the minor, a tutor in terms of the Code of Organization and Civil Procedure shall be appointed to represent the minor and act in his best interests."

40. In order to enforce such legislation, Government agencies carry out training initiatives with the Police Vice Squad and raise public awareness through regular talks and television contributions. In 2015, the Government, through NCPE, organised two training sessions and a seminar on violence against women and girls.[14]

41. This included:

(i) A full-day training session delivered to multidisciplinary professionals, and included discussions and workshops on the different forms of violence, the effects of violence on victims, assisting and working with victims of violence, and reflections on the participants' working contexts and related challenges;

(ii) A training session to legal experts providing information on different forms of violence, fighting violence against women in international law, assisting and working with victims of violence, and good practices on support and protection for victims in Portugal. Participants were also encouraged to share personal beliefs and attitudes on gender biases in relation to violence against women and girls; and

(iii) A two-day seminar for youths and teenagers which enabled the participants to discuss what constitutes violence against women, what brings about such violence, how to combat and prevent violent relationships and how to develop a culture of respect towards diversity and the dignity of others. The negative consequences of such violence were also highlighted through a series of interactive sessions, workshops and group discussions.

42. Concurrently, a more direct approach was undertaken in the education sector, where Malta has implemented a number of effective policies that, directly or indirectly, deal with child abuse including the Respect for All Framework (2014), the Trans, Gender Variant and Intersex Students in Schools Policy (2015) and the National Curriculum Framework for All (2012). The Respect for All Framework (2014)[15] addresses two pillars: (1) learning to be; and (2) learning to live together, and is based on a philosophy of value-based education. The work of the educator is to promote this philosophy through the different educational activities in a way that develops relationships and promotes positive human values. The Framework is being developed as a dynamic document providing a planned and systematic way of how schools are to develop an environment that ensures that all students have the opportunity to obtain the necessary skills, attitudes and values. The Framework also includes a policy that safeguards the right of children and youth to education in a safe environment, free from violence, bullying, social exclusion or other forms of discriminatory and degrading treatment related to sexual orientation or gender identity. Malta also developed The Trans, Gender Variant and Intersex Students in Schools Policy (2015).[16] This Policy aims to foster a school environment that is inclusive, safe and free from

[14] As part of the EU co-funded project *Forms of violence in Malta- A gender perspective* JUST/2012/PROG/AG/4733/VAW

[15] https://education.gov.mt/en/resources/News/Documents/Respect%20For%20All%20Document.pdf

[16] https://education.gov.mt/en/resources/Documents/Policy%20Documents/Trans.%20Gender%20Variant%20and%20Intersex%20Students%20in%20Schools%20Policy.pdf

harassment and discrimination for all members of the school community, students and adults, regardless of sex, sexual orientation, gender identity, gender expression and/or sex characteristics. It promotes the learning of human diversity that is inclusive of trans, gender variant and intersex students, thus promoting social awareness, acceptance and respect. It also ensures a school climate that is physically, emotionally and intellectually safe for all students to further their successful learning development and wellbeing, including that of trans, gender variant and intersex persons. The National Curriculum Framework (2012)[17] was also adopted to encompass the uniqueness of individuals and recognises individual differences whether stemming from dimensions of race, ethnicity, gender, sexual orientation, socio-economic status and age, physical, mental or intellectual abilities, religious and political beliefs or other ideologies.

43. Additionally, the Personal Social and Career Development approach was created in order to develop young people's personalities and mindsets, both through student councils that function within schools as well as through Personal Social and Career Development lessons that focus on gender issues, racism, migration, religious diversity, disability and sexual orientation (in an age-appropriate way) both in primary as well as secondary schooling. During Personal Social and Career Development, students learn to work in a group and understand the functions of the various roles one can take.

44. Continuous Professional Development courses are organised regularly for teachers to increase their awareness about their vital role to address issues of abuse. These sessions offer opportunities to discuss techniques on how instances of abuse can be appropriately dealt with and how the revised referral system of cases of victims works. In-service courses for teachers offer an intense three-day awareness programme including skills and tools of how to deal with and refer children going through abuse.

45. Awareness talks to parents on how to prevent, recognize, intervene and refer cases of child abuse are also in place. The aim of the awareness talks is to:

(a) Make parents aware of the risky situations;

(b) Look out for signals in case of abuse; and

(c) Provide parents with the necessary tools to act in case the child reveals an abuse.

46. The local communities are also reached through programmes on the media that educate about physical, emotional, sexual and cyber abuse. Additionally, the National School Support Services within the Ministry for Education and Employment has provided the practitioners training on the topic, and is closely collaborating with experts in this particular field, namely the Domestic Violence Service within Appogg, the Commission on Domestic Violence and the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties.

VI. Family environment and alternative care (arts. 5, 9–11, 18 (paras. 1 and 2), 19–21, 25, 27 (para. 4) and 39)

47. It is the right of every citizen of Malta to receive education and instruction without any distinction of age, sex, disability, belief or economic means.[18] The right for education is also enshrined in Malta's Constitution.[19] It is the right of every parent of a minor to give his decision regarding any matter concerning the education said minor is to receive.[20] Multiple measures and initiatives are available in an effort to help parents and legal guardians increase assistance for their children throughout their education. The Directorate for Educational Services within the Ministry for Education and Employment promotes, encourages and monitors the democratic governance of schools through School Councils

[17] http://curriculum.gov.mt/en/Resources/The-NCF/Documents/NCF.pdf.

[18] Education Act Chapter 327.

[19] Constitution of Malta. http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566.

[20] Education Act Chapter 327.

with the active participation of parents, teachers and students.[21] The School Council[22] increases the opportunity for parents, teachers and students to work together, and assists in improving a better school environment, whilst enabling parents to be part of their children's performance through a holistic approach. Furthermore, parents have the opportunity to participate in parental skills courses[23] in liaison with the Foundation for Educational Services. These courses offer different parental skills, whilst providing discussions and sharing of personal experiences within a welcoming environment.

48. The presence of the National Parents' Association aims to act as a reference point, to strengthen partnership among parents, educators and Maltese educational authorities and policy makers.

49. In order to intensify its efforts to provide assistance to parents and legal guardians in their child-rearing responsibilities, access to quality and affordable childcare services was prioritised in recent years. This reform formed part of an inclusive labour market strategy to develop a working culture which fosters retention, equal opportunities and adequate working conditions. In this regard, in April 2014, the Maltese Government launched the free-childcare scheme. According to latest available data, 7,361 parents/guardians have benefitted from this measure.[24] In addition, the Maltese Government introduced the Breakfast Club Scheme which provides parents with the opportunity to take their children to school an hour prior to opening hours to enjoy a healthy breakfast whilst interacting with other students through play and other activities. Such initiatives help parents facilitate their working lifestyles. Furthermore, there is also the Klabb 3-16 initiative, which is a after school hours care service provided to all school-aged children. The service has been implemented in order to bridge the gap between the time school finishes and the time parents finish work. This allows parents to have greater working flexibility. In summer, this service is provided from 7:00am to 6:00pm through "Skolasajf".

50. Another important initiative was the launch of the National Strategic Policy for Positive Parenting 2016–2024. FSWS and its subsidiary organizations like Agenzija Appogg, have taken various measures to implement this policy. Indeed, Agenzija Appogg, has given priority to positive parenting which involves parenting techniques based on, praise, encouragement, discipline, care and positive environment, as opposed to incorrect forms of discipline and non-effective communication methods. This parenting programme aims to decrease abuse or violence where it occurs, while also reducing challenging behaviour. This leads to children growing up in a more secure and disciplined environment with positive effects on their self-esteem. Positive child development is considered paramount in the prevention programmes organised in Malta. The initiatives listed below are all intended to support such an approach:

- *Community Services* — Agenzija Appogg is sustaining services which directly offer support to parents through an increase in community services. Parents receive support in the communities by community social workers, in cases where they are finding it challenging to deal with their children. Social workers intervene directly with the children, and support the families in their homes;
- *Home-Start* — This service provides one-to-one parenting support to parents of children under 5 years of age. Between 2013 and 2016, a total of 328 children were supported through home visiting;
- *Positive Parenting* — Based on the concept of Positive Parenting, employees from the Foundation for Social Welfare Services attended the "UK Parent Practice Train the Trainer" course. Other employees were also trained and new Positive Parenting Courses are now being delivered on a national basis. Another initiative is the implementation of a co-parenting parental skills programme for separating parents.

[21] Ibid.

[22] School Councils: http://education.gov.mt/en/education/student-services/Pages/Projects_and_Initiatives/School-Councils.aspx.

[23] Parenting Skills Course by FES: http://sgpc.marsa.skola.edu.mt/2012/11/parenting-skills-course-by-fes/.

[24] Data from Childcare Information System (CIS).

Several FSWS employees attended training in Ireland and will be delivering these courses to participants once the latter are recruited;

- *Home-Based Therapeutic Service (HBTS)* — The aim of the HBTS is to fight poverty and social exclusion by providing therapeutic help to multi-stressed families within their homes and communities. These families have various complex problems associated with poverty, drug addiction, domestic violence, mental health problems and children at risk of being placed in care. HBTS aims to break the negative cycle that is easily created between families and professionals tasked with assessing whether children are at risk. This service aims to provide all stakeholders with a voice, including children themselves, as well as any other family members, to provide them with therapeutic support in order that they can in turn better provide for the needs of the children. HBTS helps minimise the incidence of children being involuntarily removed from their homes through care orders. It also works closely with families whose children have already been taken from their care, but who are willing to utilise support to remedy the situation so that the children can return to them. This helps reduce the trauma associated with the involuntary removal of children from their natural home environments. HBTS adopts a systemically-based multidisciplinary approach. It consists of teams of professionals with different therapeutic backgrounds who offer an array of interventions including individual therapy with adults and children, family therapy and parenting interventions which are based on the Incredible Years Parenting Programme. This service is supporting a number of families who are presently clients of Child Protection Services, Looked After Children and "at risk" clients of Community Services. HBTS started to operate in November 2016, initially with 29 families. Another 78 families were allocated between January and July 2017;

- *LEAP!* — LEAP aims to extend FSWS work within the social field to go beyond the confined spaces of the Foundation's offices, and spread effectively across the country in order to reach those that are in need of help or support. In order to accomplish this, over the last months FSWS has opened twelve centres around the country with more planned for the near future. The objective of this initiative is that, through the participation of all its social partners, the Foundation reaches out to as many vulnerable persons as possible, including families with children. In addition, LEAP personnel carry out a number of accompanying measures to enable beneficiaries to acquire skills which may be helpful in their daily lives. The following measures are amongst those being implemented:

    - Nutrition & Health Information
    - Healthy Eating
    - Cooking on a Budget
    - Household Budgeting
    - *Ghaqal id-Dar – Hajja Ahjar (improved household management – better quality of life)*.

- *Fund for European Aid to the Most Deprived (FEAD)* — FSWS is also entrusted with the task of distributing food packages under this EU co-financed programme to families in Malta who are materially deprived. On average, around 4,000 households, falling under one of the following four categories, are eligible to benefit from this programme:

    - Households in receipt of non-contributory means-tested benefits and having two or more children below the age of 16 (families with three or more children receive two packages);
    - Households with two or more children below the age of 16 and with an income not exceeding 80% of the National Minimum Wage (NMW) are entitled to two food packages;
    - Households having two or more children below the age of 16 with an income not exceeding the NMW (families with three or more children receive two packages);

- Non-single households eligible for non-contributory means tested age pension (families with three or more children receive two packages).

51. Distribution of food packages under this programme is carried out of seventeen centres spread across the country. Four distributions were carried out in 2016, and another three distributions are envisaged in both 2017 and 2018. Every FEAD package contains basic nutritious food items which are appealing to all age groups. Pertaining to the programme requirement, FSWS is also carrying out accompanying measures which intend to assist these households in making the best possible use of these food items, therefore also improving their lifestyle. Moreover, these households are also being followed-up through home visits, and are offered support through other FSWS initiatives, as required.

- *State Funded Food Distribution (SFFD)* — Besides the distribution of the FEAD food packages, FSWS has also been assigned the task of administering and managing the distribution of food packages to other vulnerable categories, not covered by the FEAD programme, under the SFFD scheme. Around 19,500 families and around 33,000 persons benefit from this scheme.

52. These measures are complemented by other services that are also provided by FSWS. One such service is the Looked-After Children service which shares responsibility with families in need of support, particularly when their children are in need of being looked after, and therefore in care. "Children in care" refers to those children who are living away from their natural family. These children could be living either in a residential home or in foster care. Foster families can either be related to the child's natural family or complete outsiders who are trained to care for other people's children. This service collaborates with all the individuals involved in these children's lives, including their biological family, and works to establish a care plan that meets the best interests of the children, whilst at the same time, ensuring the appropriate implementation, review and update of their care plan. The ultimate aim of the service is to ensure that children in care attain the best quality of life possible as well as offering them encouragement and support in developing their potential. Over the past three years, capacity building within the Looked After Children service has remarkably increased and further capacity building is also planned for 2018, subject to availability of social workers.

53. Given the needs for more personnel and for maximizing the utilisation of the present pool of social workers, several reforms have been introduced, some of which included amongst other things, the introduction of social support workers to assist social workers in administrative tasks, in order to further enable them to focus more on clients and their needs.

54. In this regard, one should also mention the contribution made by the Church in this area. In recent years, Residential Homes run by the Church have been investing more in after-care structures, such as in the case of Conservatorio Vincenzo Bugeja, where a semi-independent structure has been set up for female residents reaching the age of 18, and who would be willing to lead a stable life and work on their independency.

VII. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) and 33)

55. The Maltese National Health System is free at the point of service and provides a comprehensive basket of health services for all its citizens, including children. There exists a strong political commitment to ensure that service provision within the health system in Malta is accessible, of high quality, safe and also sustainable. More detailed information on the Maltese Health System is available in the Health Systems in Transition reports, the latest published in 2017, accessible at the European Observatory Health Systems and Policies website: http://www.healthobservatory.eu.

56. All children attending Public and Church Schools are periodically and systematically clinically assessed by dedicated teams, each consisting of medical doctors and nurses that form part of the School Health Services Unit within the Primary Health

Care Department.[25] Medical and surgical issues, as well as mental and social difficulties that a child might be facing, are brought to the attention of the School Health Team either by the teachers or directly by the parents. Subsequent to clinical assessment, the appropriate advice/treatment and/or referral to expert opinion is undertaken to ensure a timely, effective, coordinated and holistic approach.

57. Cases involving mental and behavioural problems are referred directly to the multi-disciplinary Child Guidance Clinic within the Child Development and Assessment Unit (CDAU), that is, an outreach Community Paediatric service of the Paediatric Department, the latter being based at Mater Dei Hospital. Within the Child Guidance Clinic, close liaison exists between the various professionals, including the caring Paediatricians and the Psychiatrists.[26] The abovementioned clinical pathways are the foundations on which to ensure adequate and accessible prevention and treatment of common mental health problems within the primary health-care framework.

58. For more specific and serious eating disorders and weight behavioural problems that mostly affect young persons, such as anorexia, bulimia, uncontrolled eating disorder and obesity, a Foundation called "Fondazzjoni Kenn Ghal Sahhtek" was jointly set up between the Malta Community Chest Fund (MCCF)[27] and the Ministry for Health (MFH), to manage and run a specialized residential home named "Dar Kenn Ghal Sahhtek". This home is in Imtarfa and provides professional and nursing care to all residents and patients. The Foundation is an autonomous body corporate with a distinct legal personality and is chaired by the Chairman of the Psychiatric Department.[28]

59. In 2014, the Maltese Association of Psychiatrists was included in the Fourth Schedule of the Health Care Professions Act.[29] This newly-formed professional association consists of a blend of experienced psychiatrists and recently qualified psychiatrists who are all working within the Maltese Health Care System. In October 2016, the Maltese Association of Psychiatrists together with other associations forged an Alliance for Mental Health to ensure more coordinated inter-sectoral services aimed at the community level.

60. With the opening of the new Young People's Residence in 2015 and the increased input of a newly appointed consultant psychiatrist specialised in child and adolescent mental health, the in-patient workload trebled between early 2015 and end 2016.

61. Malta is committed towards the upholding of rights and dignity of children and for ensuring the protection of persons with disability, including children, through the Equal Opportunities (Persons with Disability) Act — Chapter 413, extracts of which are taken from Article 2 and reproduced below.

> "(1) Every person has an intrinsic right to life, dignity, respect and mental reproductive and physical integrity, and the State shall guarantee this right to persons with disability, both before and after their birth.
>
> (2) The State has the duty to provide information and an early and comprehensive intervention as well as services and help to children with disability and to their families.
>
> (4) Every person with a disability shall have the right to family life and upbringing as any other person.
>
> (7) Every person with a disability shall have the right to reach his or her maximum physical, sexual, reproductive, emotional, social, artistic and intellectual capacities.

[25] More information accessible at http://www.youthinfo.gov.mt/default.asp?m=cat&id=76.

[26] More information accessible at https://www.facebook.com/pages/Child-Guidance-Clinic-Stl.ukes/123722681005448.

[27] This fund is under the patronage of the President of Malta.

[28] More information accessible at http://dks.org.mt/about-us/.

[29] More information accessible at: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8930&l=1.

(8) Every person with a disability shall have the right to take those decisions which affect his or her life and which he or she deems as good for him or her after being aided to do so in the case of a request for help.

(9) Every person with a disability shall have the right to form a family or a civil union, as the case may be, as any other person.

(10) The State shall ensure that no discrimination is exercised against persons with disability with regard to marriage, family, their responsibilities as parents and relationships. In no case shall a parent be separated from his child due to a disability of the child or of any of the parents, or of both parents, and no person with disability shall be separated from his or her family due to his or her disability.".

62. Regarding issues related to Health, Article 13A of the same Act states that:

"(1) A person would be discriminating with another person due to a disability if that person is refused the giving of a health service of the same standard, conditions, even financial, of a range and quality like that given to other persons, including but not limited to that related to sexual and reproductive health.....

(2) A person with disability shall also have a right to the health services required by persons with disability specifically due to their disability, including:

(a) The early identification and intervention as appropriate;

(b) An assessment which reflects the actual needs and health conditions of the person with disability; and

(c) Rehabilitation and habilitation services designed to minimise and prevent further disabilities:".

63. Therefore, the Equal Opportunities Act safeguards individuals with a disability from any form of discrimination and ensures equitable access to medical care, which care is responsive to their needs.

64. In Malta, due to the relatively small numbers of children with disability, the public health sector does not have sectors that are specifically dedicated to children with a disability. However, the needs of these children are being met by the healthcare facilities and specialities operating in the area of interest/need of the child.

65. The protection of children with mental problems is enshrined in the Mental Health Act (MHA) 2012. The MHA dedicates a section to minors as it recognizes the fact that minors have certain needs that differ from those of adults. The MHA ensures that the law safeguards the rights of minors offering minors care in a suitable environment while safeguarding parent-child bonding when either the child or the parent is the patient, and makes provisions to safeguard the minor in situations of conflict with parents or responsible carers. Children considered to be mature enough are allowed to take decisions affecting their treatment and care.

66. Beyond medical issues, the Government strives to promote the ideas of independent living. As from 2014, the Independent Community Living Fund was introduced for children with disabilities. This service makes it possible for children, including those with psychosocial disabilities and challenging behaviour, to avail of funds in order to continue living in their home environment with necessary support, maintain access to the community and engage in cultural and leisure activities. The Government subcontracts services directed towards children with a disability to NGOs with expertise in this area. Services provided include treatment and rehabilitative services.

67. Although the Health Promotion and Disease Prevention Directorate (HPDP) in Malta does not provide information and education specifically addressing the needs of persons/children with disability on a continual basis, regular ad hoc meetings are held with parents of children with disability to provide nutritional advice according to the particular needs of the children. The HPDP, as part of an inter-disciplinary committee, has developed National Food Based Dietary Guidelines for children between 3 and 12 years of age. These guidelines were launched in October 2017 and will be accompanied by an educational campaign targeting professionals, parents and guardians. The fieldwork for a National Food

Consumption Survey has been completed. This will provide data on the consumption patterns of children aged 7 years and over, which will allow detailed nutrient-based targets to be set. Weaning guidelines for children between 6 months and 3 years are presently in draft form. The Directorate works with educators so that nutrition is included within the curriculum of primary and secondary school children. This is done through interactive educational sessions focusing on healthy cooking techniques, dietary food groups, portion sizes and school lunch recipes.

68. The Healthy Eating and Physical Activity Policy launched by MEDE in 2015 sets out how schools in Malta ensure that children learn about healthy choices within a whole school approach to health and wellbeing. School canteens are strictly regulated regarding the nutritional content of food available within schools. An increasing proportion of school children have the availability of a healthy breakfast within the school setting. While school meals are not offered to children in Malta, parents are encouraged to prepare a healthy school lunchbox for their children.

69. With regards to primary healthcare for children, it bears pointing out that the Primary Health Care Unit is comprised of the School Health Service, Well Baby Clinics and the National Immunisation Service. The medical co-ordination of the Unit is carried out by a Principal General Practitioner who is also the National Immunisation Programme manager. The current team is made up of five Senior General Practitioners and one Senior Staff Grade medical professional, a Charge Nurse for Primary Child Health Services, a Charge Nurse for Immunisation Services, and a Charge Midwife for Well Baby Clinics (and who also is in charge of the Women's Health sector in Primary Health Care). There are thirty nurses working in all the sections combined. The medical and nursing management organises regular educational events for the Primary Child Health medical and nursing staff.

70. Talks and planning strategies have taken place with Malta Information Technology Centre (MITA) in order to upgrade the existing Child Health Electronic Surveillance System (CHESS), and to change the software application from a desktop-based system to a web-based one. A pilot trial involving two of the school nurses took place, followed by training to all the team.

71. The School Health Service reorganised its working procedure so that a medical professional and a nurse would be responsible for an Educational College, in line with the Education Division. The school health services team started to work according to a campaign system aimed to standardize service provision. A Scoliosis Review Clinic was opened in March 2016 to review the children with minor degrees of scoliosis picked up during the scoliosis screening programme in schools. This clinic is managed and run by the School Health Services team. Additionally, in conjunction with the Ophthalmic Department at MDH, a training programme for all school doctors and nurses was carried out in order to standardise vision screening procedures in schools. In parallel, a number of hands-on training sessions were carried out in schools. Following these sessions, a Standard Operation Procedure (SOP) for vision screening in schools was produced. In collaboration with the Practice Development Unit in Primary Health Care, an SOP regarding the safe transportation of vaccines between Health Centres and Schools was devised and published to ensure safe practices. An educational session on this new protocol was given to the School Health Services team.

72. Medical and nursing staff attended several other child-centred courses and training programmes such as a two-day training programme on Brief Lifestyle Interventions in Primary Health Care Settings organised by the World Health Organisation (WHO), and the National Conference on Children's Wellbeing titled "Bullying: The Child's Perspective" organised by the President's Foundation for the Wellbeing of Society. Three separate educational seminars/training sessions were also organised for School Health Services staff, which covered various topics ranging from the introduction of the Scoliosis Review Clinic to the Childhood Obesity Task Force. In addition, all the members of the medical and nursing School Health team attended Basic Life Support Training, organised by the Primary Health Centre. Training the School Health Services team included Tackling Childhood Obesity in collaboration with Dar Kenn ghall-Sahhtek. This consisted of an overview of the

School Health Service, a psychological perspective to obesity, eating disorders in children, and the Mediterranean diet and children.

73. In collaboration with the Ministry for Education and Employment, a Memorandum of Understanding was signed which led to the introduction of a screening tool, a project titled "Lenti fuq Uliedna", which was used to detect learning difficulties for all children attending the 18-month visit at the Well Baby Clinic.

74. The latest National Obstetric Information System Annual Report 2016 published by the Directorate for Health Information and Research,[30] illustrates an international comparative analysis of indicators (including maternal, foetal, prenatal and neonatal mortality statistics), where Malta fares favourably with developed countries with results being indicative to the quality of healthcare. The definitions of the rates presented follow those of WHO ICD-10 (International Statistical Classification of Diseases & Related Health Problems — 10th Revision).

75. In addition, a holistic approach is taken towards sexual health, this being the main vision of the local Sexual Health Strategy and Policy. A specific strategy for HIV is currently being outlined. HIV-related services are provided through the Infectious Diseases Unit at the main state hospital comprising three dedicated Infectious Disease Consultants and specialists, nurses and clinical pharmacists with input from the Consultant of the Genito-Urinary Unit, who also manages all sexually transmitted diseases. Services are offered to all age groups and are not specific to adolescents. The number of children in Malta with HIV is extremely small and HIV-related services are provided by a Paediatric Infectious Disease consultant who caters specifically for them.

76. Services specific to the categories listed are not possible because of economies of scale. However, there is liaison between all the various health sectors that are involved, including Infectious Disease Consultants and the Genito-Urinary clinic (GU), in order to ensure that comprehensive care and treatment responsive to the needs of all individuals in need is provided. Infectious disease consultants work in collaboration with Public Health doctors.

77. Every effort is made to prevent maternal-to-child-transmission of HIV. To this end, all pregnant women are offered HIV testing. Should they test positive, they are referred to the Infectious Disease Consultant Clinic where they are offered the necessary support, treatment and care. These women and their babies are monitored closely by their Obstetrician in conjunction with an Infectious Disease Consultant and Paediatrician.

78. The HPDP has produced a number of information leaflets on sexual health, together with a website dedicated specifically to it, ensuring that information is widely disseminated. In addition, in-set training has been provided to religion, science and PSCD teachers of several colleges in the aim of having cross-curricular SRE. A group of social workers within Agenzija Sapport have also undergone intensive training. Lectures, demonstrations and discussions carried out during the course also provided the necessary resources to address specific subjects within their fields with their clients. Two special schools such as the Wardija School and the Guardian Angel School have also worked in collaboration with HPDP and the Education Department to ensure that children and parents are concurrently taught awareness and skills related to sexuality and relationships. Teachers were also supported during their lessons' preparation by providing them with the necessary resources. Training for parents was implemented and resources were devised and distributed amongst the participants. Over 250 health care workers were trained in STI and HIV management in collaboration with the British Association for Sexual Health and HIV.

79. Children and adolescents are offered sexual health education during PSCD lessons in schools. Moreover, a sexual health policy entitled Guidelines on Sexuality and Relationships Education in Maltese schools is in place.

80. Although there may not be specifically dedicated services for children with a disability or children with HIV in Malta, their needs are being met and their rights

[30] Accessible online at https://deputyprimeminister.gov.mt/en/dhir/Documents/Births/NOIS%20Annual%20Report%202016.pdf.

safeguarded. This is being done through a legal framework which ensures that these individuals reach their full potential in a supportive community while assuring confidentiality.

81. Malta identified HIV as an area of focus for the Presidency of the Council of the EU during the first half of 2017. A technical conference on HIV was organised, which produced a technical declaration on HIV as its main outcome.

82. A number of sexual and reproductive healthcare services are freely available within the national public healthcare system. These include family planning, safe motherhood, infertility treatment, assisted reproduction, prevention, confidential testing, diagnosis and treatment of reproductive tract infections (RTIs), STIs and HIV/AIDS, prevention and treatment of reproductive cancers and maternal morbidities. Malta's position on sexual and reproductive health is clearly spelt out in its Sexual Health Policy and its Sexual Health Strategy that have as a cornerstone for their targets, goals, measures and deliverables, the principles of individual and social rights and responsibilities, stemming from the values of respect and dignity towards human life. During 2016, following a review of available scientific evidence, emergency contraception was allowed on the Maltese market, and is now available from most pharmacies as an over-the-counter medicine. Currently, no need has been felt to change the national legislation on abortion, which remains a criminal offence under the Maltese Criminal Code.

83. The Government also provides services in case of teenage pregnancies. The National Obstetric Information System reports that the number of deliveries of girls who are less than 15 years of age stood at 3 in both 2015 and 2016. The number of deliveries by girls aged between 15 and 19 years of age was of 130 in 2015 and 146 in 2016. A number of services are aimed at children and their families in such circumstances. These include:

- *Guidance and counselling* to pregnant girls attending secondary schools, post-compulsory education, employed or unemployed as well as their boyfriends and their parents as required;
- *Psychological support* through counselling and family therapy both individually and within a group/family setting;
- *Providing support to the pregnant girl* and other significant persons during the pregnancy and after the birth of the child;
- *Programm Tfajliet (Training for Young Women)* is a programme to prepare girls become mothers through learning about the process of pregnancy, preparation to give birth, baby care, and parenting skills. It also addresses issues pertaining to self-development, self-esteem, relationships, communication with family and partners, as well as in-law families if they are involved, with the aim of enhancing the young girl's personal and interpersonal life;
- *School and Me* is an educational programme aimed at enhancing the student's academic development, in conjunction with the school they attend. This also includes career education;
- *Mothers and Babies Support Group* where the young mother, after giving birth, attends *Servizz Ghozza* with the baby, where there is further education regarding mothering and support from peers, as well as educational outings aimed at good parenting and life skills sessions;
- *Midwife's programme* is a specialised programme aimed at empowering the young pregnant student from the medical and nursing aspect;
- *Nifhmu 'l Uliedna fil-Bidliet (Understanding our Children's Changes)* is a service offered to parents of students in all colleges in Malta and Gozo, to encourage and train parents to communicate with their children about sex education;
- *Il-Boyz Bandiera Bajda... Jew le?: (Boyz: Scott free... or not?)* is a seminar aimed at secondary school boys to promote prevention of promiscuity and inform about sex education;

- *Il-Girlz... Jien ser inbennen? (Girlz... Rocking the cradle?)* is a seminar aimed at secondary school girls to promote prevention of promiscuity and inform about sex education;
- *Nanniet bla Hsieb (Unexpected Grandparenting)* is a series of meetings with mothers and fathers of young pregnant girls and mothers and fathers of their partners where relevant support is offered;
- Liaising with other relevant agencies and organisations offering support to the young mothers and babies;
- Liaising with, and advising school administrators, guidance teachers and the College Psychosocial Team regarding pregnant students according to specific needs of the students concerned.

84. A report entitled "Guidelines on Sexuality and Relationships Education in Maltese Schools" has been issued by the Directorate for Quality and Standards in Education. This publication offers a framework for the development and delivery of an effective and comprehensive education on sexuality and relationships within the different schools and colleges, and guides teachers on how to deal with issues that arise in class when delivering lessons related to sexuality and relationships. Education topics on sexuality and relationships are delivered in various subjects mainly in Science, Religion and PSCD. The information delivered empowers students to develop the necessary skills to make informed and responsible decisions and choices about their sexual behaviour and to adopt healthy sexual practices. These services offer the support required by students, especially pregnant girls, in order to maximize their educational potential and quality of life.

85. In ensuring that pregnant adolescents and adolescent mothers are supported and assisted whilst continuing their education, *Servizz Ghozza* provides a support service and an educational programme to unmarried pregnant minors with the intention of encouraging them to adopt a positive attitude towards motherhood while empowering them to pursue their career paths. The programme offers the following services:[11]

- Counselling services for girls/adolescents, their partners and their respective families;
- Support groups for mother's family, mother and baby;
- Prevention programmes for parents of students in Year 5 and 6 in all primary schools;
- Provision of psychological, moral and educational support programmes aimed at enhancing their academic development;
- Facilitating contacts with, and including the support of other relevant organisations and services for the benefit of both the schoolgirl mother and child;
- Liaising with, and advising school administrators regarding pregnant students according to the specific needs of the case.

86. In addition, the free childcare scheme introduced by the Maltese Government in April 2014, allows adolescent mothers to further their studies or enter the labour market. As explained above (vide pg.13), this initiative totally subsidises childcare, and is available to children aged up to 2 years and 9 months whose parents are in employment or pursuing their education, leading to a recognised qualification. In the latter case, applicants have to provide a statement of course attendance from the respective educational institution. In addition to the application, applicants not following a course at the University of Malta, the Malta College for Arts, Science and Technology (MCAST) or the Institute for Tourism Studies (ITS) are to provide a statement of course recognition from the National Commission for Further and Higher Education (NCFHE).

87. In response to the Committee's recommendation on breastfeeding, MFH launched its National Breastfeeding Policy and Action Plan 2015-2020 in 2015. This focuses on five major action areas which are: (1) legislation and policies regulating the marketing of breast

[11] http://education.gov.mt/en/education/student-services/Pages/Psycho-Social_Services/G%C4%A7o%C5%BC%C5%BCa-Service.aspx

milk substitutes; (2) supporting a breastfeeding policy in hospitals; (3) the training of health professionals; (4) the development of strategies for the promotion and support of breastfeeding in the community; and (5) the setting of targets, implementation and monitoring of the policy. The implementation of this policy and action plan is led by the HPDP working with an inter-disciplinary team which includes representatives from the main maternity unit, the Parentcraft Unit, professional organisations, undergraduate and postgraduate institutions and NGOs.

88. The delivery of regular national campaigns promote the positive long-term benefits to mother and child of breastfeeding exclusively for six months and longer if desired. These campaigns take the form of regular educational seminars for pregnant women and new parents, together with additional advertisements on radio, television, buses and various social media platforms.

89. The breastfeeding rate upon hospital discharge has remained consistent at around 70-72% for the past few years. An ad hoc study carried out in 2010 reported 38% of mothers' breastfeeding at six months, with a higher rate of exclusive breastfeeding in mothers with higher educational attainment (Attard Montalto et al). Data collection is currently occurring on a sample of new mothers in order to allow regular monitoring of breastfeeding rates as set out within the National Breastfeeding Policy and Action Plan.

90. Around 65% of pregnant mothers make use of Parentcraft services which provide early pregnancy and childbirth courses available to Maltese, foreign, and teenage clients (mothers and fathers) as well as parents who have previously had children. Special courses are also organised for teenage mothers-to-be, with special invitations for both sets of grandparents. The Childbirth Course contains a 3-hour session on breastfeeding including the benefits, advantages and disadvantages, techniques and good latching, support and use of the breastfeeding clinic.

91. The Breastfeeding Walk-In Clinic provides a centralised service of a team of 4 lactation-trained midwives to provide ongoing support to breastfeeding mothers. All breastfed babies are given a follow-up appointment within 72 hours of being discharged from hospital to ensure that breastfeeding is established and that the baby starts to gain weight. Follow-up appointments are given until birth weight is regained, with the frequency of visits depending on individual circumstances. The clinic also runs on a self-referral walk-in service which gives mothers the opportunity to attend when and as they need.

92. An evaluation of progress towards Baby Friendly Hospital (BFH) status has taken place for the main maternity hospital in Malta, with the intention to continue working towards attaining BFH status.

93. Regarding the monitoring of breast milk substitutes, the Environmental Health Directorate monitors and enforces the applicable local and EU Regulations on infant food. Sampling programmes for microbiological criteria, pesticides and contaminants are included in the yearly sampling programme of the Directorate.

94. Such measures were taken to ensure the psychophysical wellbeing of children. Thus, it should come as no surprise that Malta has legislated against harmful traditional practices including Female Genital Mutilation. This is governed by the Criminal Code, Cap.9, of the Laws of Malta — in particular paragraph 251E which refers.

> "(1) Whosoever, for non-medical reasons, performs an operation or carries out any intervention on a woman's genitalia that damages the genitalia or inflicts upon them permanent changes, shall be guilty of enforced female genital mutilation and shall be liable to the punishment of imprisonment for a term from three to nine years.".

95. Beyond the legislative aspect, the Government through the NCPE published a research[32] entitled "Female Genital Mutilation in Malta — Research Study" in 2015. The study served to provide an in-depth analysis both on this topic as well as on findings of a

[32] This research was carried out as part of the EU co-funded project *Forms of violence in Malta- A gender perspective* JUST/2012/PROG/AG/4733/VAW

qualitative research with stakeholders and communities at risk, alongside an overview of promising practices carried out in various countries to combat female genital mutilation (FGM). The research also consisted of a quantitative exercise consisting of a focus group and in-depth interviews with migrants and major stakeholders from which a comprehensive overview of the circumstances of women and girls affected or potentially affected by FGM were extracted. Furthermore, the research also analysed the needs of healthcare providers when encountering these women and girls as part of their work, concluding with a number of policy recommendations.

96. NCPE disseminated the report of this study to relevant stakeholders including: hospitals, health centres, NGOs, academics, and policy makers.[33] Different leaflets on FGM were also disseminated to: (i) healthcare professionals; (ii) migrant women; and (iii) relevant stakeholders including: hospitals, health centres, pharmacies, clinics, open centres, NGOs, academics and policy makers.[34]

97. Other harmful practices such as drug and alcohol are also tackled in various ways, mostly preventive in nature. Prevention in Maltese schools is provided by the Anti-Substance Abuse Unit within the Education Division. School-based programmes primarily focus on the development of life-skills that involve enhancing self-esteem, preventing peer pressure, decision-making, increasing young people's abilities to express their feelings and encouraging problem-solving skills.

98. The European School Survey Project on Alcohol and other Drugs (ESPAD) 2015 Report has shown a uniform decline in the use of all substances among ESPAD participants. This is a very encouraging trend which is testimony to the work carried out by the Prevention Division at MfH, although one cannot attribute such a decrease necessarily and solely to prevention programmes. Data from ESPAD shows how since 1999, the trend has been a downward decline in most patterns of alcohol use among young people aged 15 and 16 years. Those reporting being drunk at 13 years or younger declined from 14% in 1999 to 8% in 2015. Moreover, the use of cannabis among 15–16-year-old students, rather than increase, has flattened out over the last three surveys.

99. Such measures are reinforced through community-based prevention programmes which are implemented by the three main drug treatment agencies — Sedqa, Caritas and OASI — and these primarily target families and young people in different environmental settings such as local councils, youth organisations, religious societies, parishes and social and political clubs. Community and Church activities, drug awareness talks, exhibitions, concerts and drug-free activities are organised at specific times of the year and are aimed at targeting the general public. Also, in 2017, the Government signed an agreement with Caritas through which the drug-treatment agency will be able to provide services for those aged 18 years and under who have a substance abuse problem and need residential services rather than community care.

100. Other services which have an indirect bearing on the prevention of substance use are the LEAP Centres. The aim of these centres is to bring a number of services together thus offering a more comprehensive service to individuals and families. While working in partnership with families and all other local entities and service providers, these types of services aim at strengthening community networks and at improving the quality of life of service users.

101. It is also worth noting that the Government has also vigorously pursued a policy of controlling access and limiting the impact of those harmful substances which can be legally transacted. Indeed, Legal Notice 493 of 2011 (Tobacco Smoking Control Act), came into effect prohibiting smoking in playing fields. The Broadcasting Act which came into being in the 1990's is updated regularly and since 2010 it is not permitted to advertise tobacco on the TV, while advertisements relating to alcohol have to be aired during hours of adult viewing only. Sports activities are no longer permitted to use cigarette companies as

[33] This study is available on NCPE's website on http://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Forms%20of%20Violence/Report%20-%20FGM.PDF

[34] The leaflets are available on NCPE's website on http://ncpe.gov.mt/en/Pages/Projects_and_Specific_Initiatives/Forms_of_violence_in_Malta_a_gender_perspective.aspx

sponsors. Currently, cigarette packets graphically depict the effects of smoking together with strong messages with regards to smoking and its consequences. Smoking is not permitted in public buildings and spaces, including restaurants and bars. Since 2003, the smoking age has been set to 18 years of age and one needs to show identification to purchase cigarette packets from shops.

102. As of 2009, the legal age for the consumption of alcohol in Malta stands at 17 years of age, prior to which there was no minimum age and this followed on from the first instigation of a legal age of 16 years. This has been effectively followed by enforcement where it is required that the buyer of the alcohol goods needs now to have proof of identity as otherwise the sale is not enacted.

103. As to the use of illicit drugs, the Medical and Kindred Professions Ordinance (Cap.31) and the Dangerous Drugs Ordinance (Cap.101) are the two main bodies of legislation that regulate substance abuse in Malta. These ordinances have been amended over the years in order to bring Maltese legislation in line with the changing international perspective as well as the emergence of new drugs on the market. However, the illegal use of psychotropic and narcotic drugs is not, per se, recognised in Maltese law, although use of these substances, if proven in court, will lead to a conviction for possession or trafficking. Maltese law recognises two kinds of possession: simple possession, or possession for personal use; and aggravated possession, or possession not for the offender's exclusive use.

104. Drug trafficking carries a maximum penalty of life imprisonment unless exceptional circumstances are proved. When certain offences take place within 100 metres of the perimeter of a school, youth club or centre, or such other place where young people habitually meet, the normal punishment is increased because these circumstances are deemed to be an aggravation of the offence. However, an amendment to the Dangerous Drugs Ordinance in 2006 allowed the court not to apply the mandatory minimum prison term of 6 months if the offender intended to consume the drug on the spot with others.

105. On April 15th 2015 the Drug Dependence (Treatment not Imprisonment) Act, 2014, came into force. Through this Act, drug possession for personal use is no longer considered to be a criminal offence and the person found in possession will be tried in front of the Commissioner of Justice. If found guilty, the person undergoing proceedings will be fined a penalty, the amount of which depends on the type of drug in use. In the case of a second offence for possession for personal use of a drug other than cannabis within the period of two years, the person will be requested to attend the Drug Offenders Rehabilitation Board where an assessment of the situation is done for the purpose of assisting that person to come to terms with his/her drug use. In case of a breach of any of the recommendations made by the Commission of Justice or the Drug Offenders Rehabilitation Board, the person will be summoned in front of a Drug Court, which is being set up in accordance with the provisions of this Act.

106. It is also envisaged that along with a National Drug Policy that has been in place for some nine years now, a National Alcohol Policy will be launched in the coming months to further emphasise the actions needed to reduce drinking among those aged under 17 years of age.

107. Along with the various policies and measures, the Government also provides direct monetary support for children, including those with disabilities. In all of the three available benefits — the In-Work Benefit, the Tapering of Benefits and the Children's Allowance — there is a flat rate which increases depending on household income. The In-Work Benefit was introduced in January 2015 for families who have children under the age of 23 years, still living with their parents. Income from this scheme varies according to the income and household typology. This benefit is paid until parents are still in a gainful occupation, to encourage people to stay in employment. The Tapering of Benefits Scheme was introduced in January 2014, for families, which can include children, who have been on social assistance for more than 2 years in the last 3 years prior to entering the labour force. The tapering of benefits means that instead of terminating the social assistance as soon as a person is in a gainful occupation, claimants are paid 65% of the social assistance rate for the first year, 45% of the social assistance rate for the second year and 25% of the social assistance rate for the third year. The employer will be entitled to 25% of the social

assistance rate for a period of 3 years. Furthermore, children with disability are granted a weekly Disabled Child Allowance paid in conjunction with Children's Allowance given to all children according to their parents' annual income.

108. A parallel measure is implemented by Agency SAPPORT which runs the Empowerment Scheme, a new scheme launched in 2016 which provides financial assistance and enables persons with disabilities including children to buy specialised equipment including wheelchairs, accessibility products, and alternative communication devices. In 2016, 38 boys and 17 girls benefitted from this scheme.

109. Malta is particularly sensitive to those children who through no fault of theirs, come in contact with the correctional facilities. Contact between incarcerated parents and their children is usually held by phone or through visits. Depending on the legal status of the child, that is, whether under care order, voluntarily in care or still residing with a parent or legal guardian, such contact is held either through normal visiting and phone call procedures or through supervision. Where visits are concerned, supervision is conducted by staff from Agenzija Appogg who accompany the child during these visits. With regards to phone calls, an inmate would need to conduct such a call from the social work office under the supervision of Corradino Correctional Facilities (CCF) social workers.

110. A basic measure taken is that of having all the necessary information collected as soon as possible by all professionals involved, especially those professionals working with the children and who have information related to history, relationships and how the parents affected the children prior to incarceration. In this way, CCF can work on addressing issues with inmates and prevent reoccurrence of past traumatic or negative events and influences on the children. Constant communication with both professionals working with the children and the Inter-Disciplinary Team working with inmate needs is held. The Inter-Disciplinary Team at CCF consists of: correctional officers, social workers, psychologists, doctors, psychiatrists, managers, assistant managers, the Education Unit, and any other visiting professional/agency working directly with inmates. Thereafter, a care plan is established which takes into consideration both the inmate's and the child's priorities.

111. Where children placed under a care order are concerned, recommendations by the Children and Young Persons' Advisory Board (CYPAB) need to be followed in the best interest of the children. A parent, or both, who are held under arrest, would need to file an application in court for bail so that visitations (Supervised Access Visits — SAVs) can be conducted at Agenzija Appogg or at other venues.

112. In the case of sentenced inmates, application for prison leave is conducted as per CCF procedure. The frequencies of SAVs depends on each individual case, however, when held outside CCF, they are usually conducted every month given that prison leave is awarded monthly. However, an inmate at CCF, whether under arrest or sentenced, would have to have been at least 6 months at CCF prior to availing from Prison Leave. Thus, if for the benefit of the child, such visitations need to be conducted prior to the 6-month lapse, a solution would have to be found as to how to proceed in the best interest of the children.

113. Since the inauguration of the CCF Playroom and the setting up of a structured system/time table, an increase in the number and frequency of SAVs has been noted amongst both the male and female population at CCF. This was of benefit to the institution as it saved time, transportation and further security measures. It also facilitated the contact between parents and children since when SAVs are conducted at Agenzija Appogg, the inmate can avail from prison leave only once a month. On the other hand, when SAVs are conducted at CCF, these can be held once every week. However, there are still cases where SAVs need to be held outside the prison environment for the best interest of the child.

114. Children may be in care on a voluntary basis,[35] and thus no care order or court order is issued. In such cases, interventions and meetings with social workers outside CCF may still be required. Even if a child is in care on a voluntary basis, in certain cases, visits may still need to be conducted under supervision. Very often, if there are issues presented to

[35] Children may be residing or in the care of the inmate's close relatives, such as the child's grandparents or the inmate's wife or husband.

CCF by inmates, CCF assesses the client's situation before and during incarceration and contact is held with the parent or guardian of the child. Social workers at CCF explore the situation further with the parent/guardian of the child, including the reasons provided thereof. CCF offers support by giving information on services in the community and if need be, with the consent of the parent/guardian, CCF itself refers the case to Agenzija Appogg. If allegations of abuse or neglect are present, contact with Agenzija Appogg is made and if the case is not yet being followed, CCF refers the case directly according to the information gathered from the inmate. If it is the parent/guardian who is refusing to bring the child for visits, CCF holds meetings when and if possible, with them and the inmate. However, this also depends on the attitude of the inmate and his/her motivation to address behaviour and attitude. If, for whatever reason, the child is being "used" in conflicts between the parents, and no other intervention is possible from Agenzija Appogg, the inmate is advised to speak with a lawyer.

115. CCF has had cases whereupon a court decree, a child may not be allowed to have contact with natural/biological parent/s being held at CCF. In such cases, security measures are taken care of by the social work unit and officers at CCF. The social work office informs in writing the Correctional Officers and Majors in charge of visiting areas so that necessary precautions are taken and the child, if brought over by family members, is protected (restricted) from entering visitation.

116. In the case of mothers or prospective mothers, whether sentenced or under arrest, they usually already have a social worker assigned to them either from MDH[16] or Agenzija Appogg. Work is carried out in relation to the mother's and the baby's wellbeing before birth and after birth. Major issues usually relate to where the baby will stay upon birth, that is, whether a care order is needed, as well as the legal rights of parents. Furthermore, with regards to the more practical issues of visitations and contact of parents with baby, arrangements are conducted through the prison leave office for the baby's registration to take place, arrangements for the father to conduct visitations with mother and child if father is detained at CCF, and general support for the parents.

117. In this context, Article 38 of the Prison Regulations stipulates that:

> "(1) In the case of female prisoners with child, arrangements shall be made for prenatal care and for their transfer to a hospital for their confinement and the delivery of the child;
>
> (2) The child of a female prisoner may be received and kept in the prison in order to be taken care of by the said prisoner until the child is one year old. Arrangements shall be made for the proper care and safety of a child kept in prison whenever the child is not in the care of the mother;
>
> (3) No child older than one year shall be kept in prison unless the Director is satisfied that there are special reasons justifying a longer period;
>
> (4) If a child is born in prison the fact that the child is born therein shall not be mentioned in the act of birth and only the name of the locality within which the prison is sited shall be mentioned.".

118. When an inmate is pregnant during detainment, apposite meetings are held between the multidisciplinary team at CCF and professionals working outside the facility (namely Agenzija Appogg, including its social work unit at MDH). Exploration is done with the mother/parents during sessions and case conferences are held to discuss and set a care plan for both parents/mother and baby. Lately, all mothers who gave birth during detainment have agreed that the child is raised and taken care of by either family members or by signing a consensual voluntary admission in a home. At times, care and custody is also legally passed on to the guardians who will be taking care of the child. These may either be family members or third parties known by inmate/s. Agenzija Appogg social workers would assess the family that the inmate would have indicated and if there are no concerns, the child would be given in care to them. On the other hand, if there are concerns or if the

[16] Especially when substance abuse is present.

mother refuses to leave the child, further assessments are held to explore the parenting skills and adequacy of the mother to take care of the child.

119. In case where minors are detained in CCF, liaison and referrals are done to community services. Meetings are held amongst professionals whenever the need arises and further with the parents of the minor concerned when necessary. Male minors are admitted at the Young Persons Offenders Unit (YOURS), while female minors are placed in a separate facility. The CCF multidisciplinary team works with more emphasis where cases related to minors being incarcerated are concerned. Minors can further avail from Parole Eligibility, depending on the case. In such situations, CCF collaborates widely with organisations like Agenzija Appogg and residential homes, LEAP Centres/community services, Agency for the Welfare of Asylum Seekers (AWAS), Embark for Life, Residential Homes (Boys; Girls; Domestic Violence Shelters-primary and secondary stage; Homeless Shelters), lawyers, Probation and Parole Department, family members and of course, the Police.

VIII. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

120. Malta takes note of the UNCRC's recommendation to determine the root causes of why children choose to cease schooling after the completion of compulsory education. With regards to post-secondary education, in 2016, the Early School Leaving Unit (ESLU) within the Directorate for Research, Lifelong Learning and Innovation at MEDE carried out an extensive study with 579 students who terminated their post-secondary education in the academic year 2015-2016. The study was prompted by the fact that notwithstanding the increase in participation in post-secondary education, a significant number of students still dropped out from post-secondary institutions. This was further supported by the fact that one of the main goals of the Framework for the Education Strategy for Malta 2014–2024[37] focuses on raising the levels of student retention and attainment in further, vocational, and tertiary education and training.

121. The study found that the main reasons for dropping out were that the course / subject content was not what the students expected (22%) and the course was too academically difficult to understand and follow (20%). In addition, around 11% found a job or were more interested in finding employment, and others dropped out for reasons related to health, personal, financial and family problems. After analysing the parental background of the young people who had dropped out, it was found that:

- The highest level of education of fathers and mothers is secondary education (59% and 68% respectively);
- More fathers (11%) than mothers (7%) have a tertiary level of education;
- More fathers (15%) than mothers (10%) have a primary level of education as their highest educational level;
- The majority of fathers were Craft and Related Trades workers (20%) followed by Services and Sales Workers (14%);
- The majority of mothers were inactive (41%) followed by Services and Sales Workers (20%);
- In 2015, the percentage of employed women aged between 20 and 64 in Malta was 53.6%.

122. It is also important to point out that Malta has an official national publication which focuses on preventing ESL — A Strategic Plan for the Prevention of Early School Leaving

[37] Ministry for Education and Employment, *Framework for the Education Strategy for Malta 2014-2024 Sustaining Foundations, Creating Alternatives, Increasing Employability*. Malta, 2014. Available from: https://education.gov.mt/strategy/Documents/BOOKLET%20ESM%202014-2024%20ENG%2019-02.pdf.

in Malta 2014[38] (timeframe: 2014–2020). This strategic plan aims at facilitating focused action that will support students to make the best out of their school years, from early childhood to the end of compulsory school and beyond. The aim is to enable students to develop their potential as human beings, as citizens and as stakeholders in the economy.

123. The actions outlined in this strategic plan are in line with the Framework for the Education Strategy for Malta 2014–2024 which centres around four measurable targets that both individually and collectively contribute directly towards the reduction of early school leavers in Malta. The Framework highlights the need for Malta to reduce the gaps in educational outcomes between boys and girls and between students attending different schools. It aims at decreasing the number of low achievers and raises the bar in literacy, numeracy, and science and technology competence while increasing student achievement. Another measurable target for Malta is the provision of support in educational achievement of children at-risk-of-poverty and from low socio-economic status, and reduce the relatively high incidence of early school leavers. A third target put forward by the Framework is to raise levels of student retention and attainment in further and higher education, followed by another target to increase participation in lifelong learning. These four measureable targets form the basis of the present document. The document, A Strategic Plan Towards Preventing Early School Leaving in Malta, envisages structures that enable stakeholders to monitor implementation for the purpose of revising plans when the need arises, with the specific target of keeping on track in our quest for providing a more meaningful and successful educational experience for all students.

124. In this regard, a number of preventive measures are in place in order to tackle ESL before it even manifests itself. The following measures are meant to have long-term positive actions that contribute to meaningful and effective schooling, and thus averting disengagement from school:

- *The Free Childcare Scheme*: The scheme was launched in April 2014 and was made available to all children aged up to 2 years and 9 months whose parents/guardians are both employed; a single mother/father/guardian who is employed and paying social security contributions; and to parents/guardians who are pursuing their education, leading to a recognised qualification. This initiative is also seen as an effort to increase female employment, thereby increasing the disposable income of women with dependent children and increasing the economic costs of economic inactivity;

- Several policy documents that address good quality early childhood education and care are a net contributor to reducing ESL, as evidenced for instance by a correlation between performance in the Programme for International Student Assessment (PISA) of 15 year olds and students' attendance of pre-primary education;[39]

- Programmes and activities in literacy to enhance reading skills: *Aqra Mieghi (Read with Me)*; *Seher l-Istejjer (The Magic of Stories)*; *Aqra Kemm Tiflah (Read as Much as You Can) Enriching School Libraries*; *Reading Ambassadors Programme*; *Reading Champions National Contest*; *the NWAR Programme*; *Brillantini tal-Qari (Reading Stars)*; Klabb Sajf (Summer Club);

- The setting up of the *Alternative Learning Programme* (ALP): an alternative programme for students who pursue a vocational pathway instead of one in mainstream education;

- *The Core Curriculum Programme*, a programme in basic numeracy and literacy skills in secondary schooling;

[38] https://lifelonglearning.gov.mt/dbfile.aspx?id=47.

[39] See for example, European Commission (2014) Study on the Effective Use of Early Childhood Education and Care in Preventing Early School Leaving. Available from: https://publications.europa.eu/en/publication-detail/-/publication/7548dd37-c626-4e2d-bd70-625edf707adc; and European Commission (2013) Reducing early school leaving: Key messages and policy support. Final Report of the Thematic Working Group on Early School Leaving November 2013. Available from: http://ec.europa.eu/education/policy/strategic-framework/doc/eslgroup-report_en.pdf.

- *The Prince's Trust XL programme* in secondary schooling;
- *The Revision Classes programme* to assist students who have failed their main SEC examinations in Maths, Maltese, English and Physics;
- Students who do not apply for the Secondary Education Certificate (SEC) examinations during their final year of secondary education are profiled and introduced to the ALP;
- The Reform of the NCF and the introduction of vocational subjects in the secondary school cycle. The choice of subjects included Agribusiness, Engineering Technology, Health and Social Care, Hospitality, and Information Technology. The selection was inspired by priorities and needs expressed by the local industry. Consequently, the introduction of vocational subjects in the secondary school cycle serve as another measure to bring education processes closer to industry needs and thereby ensuring that education caters better for market realities;
- In their fourth year of secondary education, students are introduced to on-the-job shadowing. This experience is intended to help fuse education processes and training pathways with industry trends, sensitize and train students on work ethics and to further encourage students to pursue continued education and training according to their career needs;
- In order to foster a culture of continuous professional development amongst educators, the Institute for Education has been set up to further enhance and adopt a strategic approach to teacher training;[40]
- The ESL Unit is regularly monitoring the implementation of the ESL prevention strategy on an ongoing basis;
- *Skills Kits*, a programme run by MCAST's Foundation College, is also being offered to a number of secondary education students.[41] The programme consists of a number of short Level 1 courses of 20 hours each that give students a taste of a vocational skills and employability skills, as well as enables them to experience vocational education at the college. This serves as a good incentive to encourage students to remain in education and obtain basic skills before entering the labour market;
- Absenteeism is also regarded as a source which enhances disengagement. In this regard, MEDE also has in place a policy on addressing attendance in schools. The Addressing Attendance in Schools Policy 2014 aims to: maximise school completion for all students, raise student achievement and close gaps in student performance, identify attendance patterns in order to improve attendance and performance records, and verify that students are complying with education legislation relating to compulsory attendance.

125. Apart from the measures stemming the ESL strategy, a number of relevant measures are in place to tackle this issue, such as a pilot project which began in three different secondary schools whereby Year 11 students needing support were offered support classes in Maltese, English and Mathematics. Students were given two hours of after-school tuition on a weekly basis in every subject. SEC past papers were also provided for free. This project was extended within more schools in the scholastic year 2016–2017. The rationale behind this pilot project is to complement the SEC Revision Classes project in order to help students prepare themselves for their first attempt of the SEC examinations.

126. Malta's education system has put in place a number of structures to help asylum seekers/beneficiaries of international protection integrate better in the system within a short time. In Malta, migrant students without linguistic competences in English and Maltese and who have difficulties to communicate are incorporated into Malta's education system through linguistic induction provide in classes/hubs/centres for the learning of these

[40] The Institute for Education is an entity within the Maltese Ministry for Education and Employment (MEDE) set up by Legal Notice 140 of 2015 dated 24 April 2015 to carry out functions related to continuous professional development and training of educators and to serve as a main driver in these fields.

[41] https://www.timesofmalta.com/articles/view/20170326/education/Students-go-for-another-set-of-Mcast-Skills-Kits.643584.

languages. Similar support to migrant students is also provided at MCAST through its Learning Support Unit which offers additional support in English for MCAST students who are asylum applicants and beneficiaries of international protection. As from academic year 2015–2016, MCAST is also offering a basic course in Maltese for these students.

127. Moreover, Malta has put in place systems, modelled on the teaching principles of Content and Language Integrated Learning (CLIL) that address the specific needs of those students who cannot communicate with the mainstream, that is, teaching a language through the teaching of other subjects. Furthermore, the aim of the educator is to draw a linguistic benefit from each educational activity undertaken in school.

128. In 2015, MEDE formally set up a Migrant Learners Unit for the provision of induction into the mainstream education system for learners under the age of 16 years.

129. The Directorate for Research, Lifelong Learning and Innovation within MEDE pursues a policy of inclusivity. Courses are open to both Maltese and non-Maltese nationals. The Directorate has developed courses in Maltese as a foreign language and English as a foreign language. At enrolment stage, asylum seekers and beneficiaries of international protection are given the same rights as Maltese and EU citizens. Courses in English as a foreign language and Maltese as a foreign language offered by the Directorate are accredited and lead to the awarding of a General Education Award at Malta Qualifications Framework (MQF) levels 1 and 2.

130. In order to better respond to the future needs of the labour market and social systems, it is imperative that skills forecasting and up-skilling processes take into account the long-term needs of the labour market. Thus, partnerships between academic institutions and the labour market are critical. In order to formalise a structure for such horizontal exchanges, achieve better skills forecasting and respond to the challenges of technological progress, MEDE set up a National Skills Council.

131. Malta also launched Education Malta, a new agency to promote the internationalization of education in Malta and attract foreign educational institutions to establish a presence on the island. The agency, a public-private partnership between the government and the Chamber of Commerce, is intended to harness the economic potential, and provide a structure to promote investment and support to stakeholders in this sector.

132. Additionally, MEDE has recently launched "My Journey – Achieving Through Different Paths Inclusive and Comprehensive Equitable Quality Learning Programmes". Through this initiative, secondary school students will be able to choose between academic, vocational or applied subjects as well as a combination of subjects from the three educational streams during the senior cycle of secondary education. This major reform in the secondary education system will come into effect at the beginning of the school year 2019/2020. This will involve moving from a "one size fits all" system to a more inclusive and equal programme which can specifically cater for each learner.

133. A substantial investment was made in 2015 in the Educational Psycho-Social teams in state colleges, whereby counsellors, career advisors, social workers, social support workers, and psychologists were amongst the practitioners engaged in the National School Support Services within the Directorate for Education Services at MEDE. Government is investing in the provision of career education and guidance in the education system. This provides for the learning of career management skills, one-to-one career guidance sessions, opportunities for one-week career exposure experiences, and career orientation visits and career exhibitions. It also provides for information on different study/work options through talks, visits, the Careers Guidance Malta blog, the promotion of entrepreneurship skills and an emphasis on lifelong learning. These play an important role in addressing skills shortages in the labour market and helping young people make informed career choices. This new system is called Euroguidance and as of March 2017, Euroguidance falls under the remits of the National School Support Services. All initiatives are targeted at students within the primary, secondary and post-secondary school years.

134. Investments have been made within further and higher education institutions. In order to enhance a tech-oriented society, focus is being placed on first and foremost educating the educator. Further to the information provided above on MEDE's Institute for

Education and the Department of Early Childhood and Primary Education within the University of Malta's Faculty of Education, the University of Malta has also set up a Technology and Entrepreneurship Education Department which caters for Initial Teacher Education for related subjects. Furthermore, the teaching course at the University of Malta has been elevated to a Masters MQF/EQF (Malta Qualifications Framework/European Qualifications Framework) Level 7 as part of a concerted strategy to have better trained educators.

135. The Government is also launching new measures with the aim of enhancing learning through digital technology. In this regard, an investment is currently being carried out where more interactive whiteboards, short throw projectors and All-In-One computers are being bought for all state schools, therefore equipping classrooms with current technology. The aim of these newly proposed interventions is that of enhancing learning environments within compulsory schooling to create spaces that are conducive to learning and schools that can effectively challenge students, mould their curiosity and ultimately attract them to learning, while facilitating understanding. Programmes and resources in place include:

- *One Tablet per Child measure* through which Malta targeted the enhancement of digital literacy amongst young learners. Digital literacy contributes to a higher quality education system — one that will produce better-informed citizens and a higher quality workforce that can, as a result, advance a country's economic and social development;
- *Prince's Trust XL Programme* which focuses on personal development and employability skills. It gives the opportunity to students to acquire different skills and continue with their educational progression, whilst particularly focusing more on the aspect of IT skills.

136. In addition, the need for the introduction of vocational subjects had long been felt by secondary schools and indicated clearly in a number of local reports and studies. For this purpose, as part of the NCF and in line with the Framework for the Education Strategy for Malta 2014–2024, as mentioned above, the education authorities re-introduced vocational programmes at Level 3 of the MQF[42] in the final three years of compulsory schooling (Year 9 to Year 11) from ages 14 to 16 years.

137. In 2011, vocational subjects at MQF Level 3 were successfully piloted in a number of State and non-state secondary schools following an intensive teacher-training programme. The choice of subjects included Agribusiness, Engineering Technology, Health and Social Care, Hospitality, and Information Technology. The selection was inspired by priorities and needs expressed by the local industry. Both student engagement as well as assessment results of three cohorts of Year 11 students (aged 16 years) studying vocational subjects were outstanding. Over 92% of students obtained the qualification, 70% of whom attained the highest grade. This is a clear indication of how hands-on pedagogy, the on-going support and review of the students' work by the vocational teachers, as well as the endorsement of continuous assessment, enable students to engage more in learning and to perform to the best of their abilities.

138. The national implementation of these vocational subjects took place during the scholastic year 2015–2016. All State and Church secondary schools, as well as some Independent schools offered these vocational subjects as electives to Year 9 students. The take-up of Vocational Education and Training (VET) subjects increased from 15% in State secondary schools, 14.5% in Church secondary schools, and 9.6% in Independent secondary schools in 2015–2016, to more than 24%, 20% and 11% respectively in 2016–2017. The introduction of these vocational subjects was aimed at:

- Broadening and enriching the secondary school curriculum through the adoption of teaching and learning methods that move away from formal learning to a learning

[42] The Malta Qualifications Framework is in line with the European Qualifications Framework. It is structured to cater for compulsory, vocational and higher education. Levels 1–3 reflect the successful completion of compulsory education, whereas Levels 4–5 are qualifications at intermediate, advanced and diploma levels. Levels 6–8 are Bachelor, Masters and Doctorate levels respectively in higher education.

progression process based on on-going assessment of practical tasks, project work, experiential learning related to work, written assignments and portfolios, thus helping students develop into autonomous learners;

- Providing alternative assessment for formative purposes and support the students' competences in terms of learning outcomes. The evaluation of vocational subjects is based mainly on on-going formative assessment including written and practical tasks rather than on written summative examinations;
- Providing initial VET certification to students;
- Establishing initial vocational education and qualifications at secondary level at parity of esteem with general academic education; and
- Making education more relevant, meaningful and attractive to students who are at risk of becoming early school leavers mainly because they do not learn through the academic achievement route.

139. Besides continuing with the introduction of more vocational subjects at MQF Level 3, vocational and applied programmes at lower levels for secondary school students with learning difficulties are being introduced in order to provide students with a recognized certification that opens up pathways for them into further vocational education.

140. As a result of the introduction of these options, vocational subjects have found their way back into compulsory education within mainstream secondary schools. The introduction of these vocational subjects generated a wider range of permeable and intersecting career paths. It also provided the opportunity for those with different learning patterns, interests and motivations to continue their studies beyond the compulsory age of 16 years. This measure was also intended to make education engaging and relevant to those students who are at risk of becoming early school leavers.

141. These initial vocational education and qualifications at secondary level are established at parity of esteem with general academic education by the MATSEC Examinations Board. The five VET subjects are managed and accredited by the MATSEC Examinations Board at SEC Level 2 and 3 on the MQF/EQF like all the other mainstream subjects.

142. Furthermore, on an annual basis since 2014–2015, subject teachers and University student teachers who expressed an interest in teaching vocational subjects received training in the five vocational subjects with regards to content, pedagogy and assessment procedures. An application has been drawn up to the Institute for Education[43] to have this vocational teacher training programme accredited as an MQF/EQF Level 7.

143. Moreover, with regard to teaching improvement in VET, at the University of Malta, teaching areas on offer in the Masters in Teaching and Learning Course commencing in October 2017 include: Agribusiness; Computing — including Information Technology and VET IT; Design and Technology — including VET Engineering Technology; Hairdressing and Beauty; Health and Social Care; Hospitality; Media Literacy; Retailing; and Textiles and Fashion.

144. Government has placed VET high on its agenda, with emphasis being placed on apprenticeship programmes and work-based learning initiatives. MCAST has been responsible for the implementation of the National Apprenticeship Scheme since 2014. Apprenticeship programs have been merged with the complimentary modes of the "off-the-job" education and "on-the-job" training brought within the structure of the MQF Level 3 and MQF Level 4. The reformed scheme has created a single focal point for apprenticeship training central to which is the quality of vocational and technical training, and is now offering new apprenticeships at different competence levels to reflect labour market needs. The implementation of a three-tier framework for work-based learning has been launched wherein young people enrolling at MCAST Foundation College — Levels 1, 2 and 3 (Placements and Apprenticeship), MCAST Technical College — Level 4 (Apprenticeship) and MCAST University College Levels 5, 6 and 7 (Internship) are given the opportunity to

[43] For more information on the Institute for Education, vide above.

access and progress to all levels of vocational education offered by MCAST. The number of apprentices has increased in the past years. In fact, MCAST is currently offering 50% of all its MQF Level 3 and MQF Level 4 programmes on apprenticeship, which provide 1000 apprentices with a minimum of 1400 hours of "on-the-job" training.

145. A new legislative framework for work-based learning has also gone through the public consultation process. The main developments brought about by the proposed act are the introduction of a Government subsidy to bridge the gap between the learner's current income and the minimum wage rate. It sees to the rights and obligations of learners as employees, for the duration of the work-based learning part of the training programme. It also creates a governance structure to protect the rights and obligations of trainees and employers.

146. Malta agrees with the UNCRC's recommendation for improving and reforming measures of its education syllabus and teacher training to ensure that children are provided with quality education. In fact, with regards to Initial Teacher Training in Primary Education at the University of Malta, the Department of Early Childhood and Primary Education within the University of Malta enriches its courses by the strengthening of aspects such as technology in education, inclusive pedagogies, multiculturalism and children's rights among others. In particular, one of the study units for primary education student teachers is called "Children's rights and Children's voices"[44]. This study unit specifically examines in depth the UNCRC and the implications it has when considering that various local, national and international entities are responsible of putting the convention into practice.

147. Other study units for primary education student teachers include: becoming more sensitive to the complexity of environments surrounding children; gaining the necessary skills which are required for successful teaching in developing organised and systemic ways of planning through school experience; exploring gender equity in the primary school; promoting a healthy school environment; understanding children with learning difficulties; dealing with practical problems with legal implications encountered by teachers on the job; understanding the political and ethical complexities that give shape to pedagogical relations, together with developing one's own philosophies of social justice that are sensitive to diversities as they take shape within the particular local contexts of early education; demonstrating an understanding of the concepts of digital media, digital skills and digital education, together with documenting and describing the risks that internet poses to its users, especially children; and refer to current good practice on how to counteract them.

148. Malta considers the promotion of human rights and values it as an integral part of its current and long-term strategy to provide high quality and value-based education for all. Children's rights education, HRE and EDC (Education for democratic citizenship) are given due importance mostly in Social Studies, the teaching of Ethics and Personal, Social and Career Development (PSCD), which start from primary education all the way through middle and secondary education. As highlighted in the NCF, acquiring positive attitudes and a respect for human rights, is one of the learning outcomes for Education for Democracy as a cross-curricular theme in Social Studies, Environmental Studies and aspects from Personal and Social Development as well as Home Economics. Through their studies in this area, learners acquire skills in enjoying rights and exercising responsibilities in various communities; dealing with conflict and controversy; making informed choices and decisions, and taking action, individually or collectively to promote a just and sustainable society whose policies are based on justice, equity and a respect for the community of life. As they develop their learning in this area, young people learn to employ citizenship skills, showing responsibility towards their environment and their world and understanding the impact of enterprise and industry on the local and global community. Furthermore, work is currently underway to further enhance these topics in the respective subjects in order to address the directions put forward by the Council of Europe, the European Commission, and other European institutions.

[44] http://www.um.edu.mt/educ/studyunit/PRE2001

149. As stated in the Framework for the Education Strategy 2014–2024, Malta's education strategy is based on four main principles: equity, social justice, diversity and inclusivity. The framework places emphasis on students learning to live together. The Respect For All Framework also states that for these principles to be achieved, the values of co-operation, responsibility, unity, tolerance, honesty, peace, happiness, love, freedom, humility, simplicity, courage, friendship and respect need to form the general values of behaviour in schools.

150. Malta also believes that for the education regime to be truly inclusive and convey a message of respect for the individual's dignity, it needs to be directed at all life phases and extend beyond the compulsory school years in order to address the needs of all stakeholders, including those at the risk of social marginalisation. In this regard, Malta's National Lifelong Learning Strategy 2020 stipulates that lifelong learning needs to support inclusivity and empower marginalised communities.[45]

151. The study[46] "Research Study on Violence, Harassment and Bullying in Schools – A Qualitative Perspective" was conducted by National Commission for the Promotion of Equality to analyse how these forms of violence affect girls and boys, the needs of the victims, the risk factors that may trigger these forms of violence and the structures that are in place to assist victims. A poster on the subject was developed to raise further awareness. A report on this work was disseminated to relevant stakeholders including: schools, youth organisations, NGOs, academics and policy makers and is available on NCPE's website.[47] Video clips on violence, harassment and bullying in schools, and among children and youths were also developed to raise awareness and combat these forms of violence. These video clips are available on NCPE's website.[48]

152. A pilot study was conducted in four schools through the project Enhancing Equal Rights developing training modules and lesson plans on equality and non-discrimination, serving as a useful tool of good practices for teachers. The long-term objective of the pilot study was to make teachers the "ambassadors for change" within the education system. The pilot study has shown that integrating equality, diversity and mainstreaming in teaching is possible and can be successful at both content and skills level. The report of this pilot study is available on NCPE's website.[49]

153. Training was provided to teachers[50] on non-discrimination, equality mainstreaming and inclusion aimed at sensitising and empowering them on issues arising from the respective grounds of discrimination and on equality mainstreaming classroom content and techniques.

154. In Malta, the Commissioner for Children carries out awareness-raising activities on such matters through public stands, sessions in schools and the annual Rights 4U course. The latter is an interactive course that includes various activities and during which young people actively explore and engage in discussion on their rights. The Commissioner for Children has plans to conduct education campaigns aimed at parents and the general public through participation in radio and other media programmes as well as press releases.

[45] https://education.gov.mt/en/Documents/Malta%20National%20Lifelong%20Learning%20Strategy%202020.pdf.

[46] This study was carried out as part of the EU co-funded project *Forms of violence in Malta – A gender perspective* JUST/2012/PROG/AG/4733/VAW.

[47] http://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Forms%20of%20Violence/Report%20-%20Violence%20Schools.pdf.

[48] http://ncpe.gov.mt/en/Pages/Projects_and_Specific_Initiatives/Forms_of_violence_in_Malta_a_gender_perspective.aspx.

[49] http://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Enhancing_Equal_Rights/Pilot_Study_Report_NCPE.pdf.

[50] Training was carried out as part of the EU co-funded project *Enhancing Equal Rights* JUST/2012/PROG/AG/3717.

VIII. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d), 38, 39 and 40)

155. The Migrant Health Unit, which falls under the remit of the Department of Primary Health Care within the Ministry for Health, strives to sensitise and promote Cultural Competence amongst health and social professionals, teachers, law enforcement officers and students. The office also seeks to raise awareness on issues related to the rights of the child such as Female Genital Mutilation and Human Trafficking. The aim is to inform health professionals and policy makers when and how to identify, prevent, protect, and support vulnerable victims.

156. Unaccompanied Minor Asylum Seekers are accommodated in a dedicated reception centre. The reception centre offers accommodation and social care services to asylum-seeking unaccompanied minors. The centre offers a holistic service to these children by supporting them in health, education, life skills, social integration and possible plans for resettlement or family reunification prospects. They are all assigned to a social worker who follows their case and looks out for the best interest of each child while assisting them in their transition to adulthood. All children will have a specific care plan, which is usually discussed during a case conference meeting and such plan is discussed in the presence of the child. It is considered crucial for children to be active participants in the decisions being made regarding their life. The social worker prepares a Case Conference Report that includes recommendations and this is presented to the CYPAB, who are responsible to support the implementation of such recommendations. The case is usually reviewed every six months and thus the care plan is updated regularly. Recommendations may include psychological, medical and/or education support. All the children have access to the education system under similar conditions as Maltese nationals or to other English/Maltese courses which are being held by other agencies or NGOs. Children are also encouraged to attend various courses, mostly organized by Jobs Plus (the Maltese Public Employment Service).

157. Children are given similar access to Health Services as Maltese citizens. Since their care falls under the responsibility of the State, they are further provided with free medication. They have access to the General Practitioner (GP) in the health centres. Children at the age of 16 onwards have legal access to the Maltese labour market. They are assisted by the social workers to fill in all necessary applications to obtain a work permit. The social worker often assists the children in contacting the employers and act as reference persons for the minors. All the children in the centre are entitled for the Food and Transport Allowance every four weeks and are also provided with food three times a day.

158. Malta's initial reception and detention policy has been reviewed in line with the provisions of recent European Court of Human Rights judgements relating to Malta, the re-cast Reception Conditions Directive, the provisions of which have been transposed into Maltese legislation in 2015 and the provisions of the Return Directive, which have been transposed in the Common Standards and Procedures for Returning Illegally Staying Third Country Nationals Regulations, SL 217.12.

159. The review was guided as by the need to safeguard national security and public health, as well as by human rights and humanitarian considerations. Newly arrived irregular migrants/relocated/airlifted/drop-ins who arrive at AWAS main office for accommodation after they had applied for asylum in Malta, are accommodated at an Initial Reception Facility, a contained environment, in order for them to be medically screened and processed by the pertinent authorities, including Agency for the Welfare of Asylum Seekers and Police officials. The stay of an irregular migrant at an Initial Reception Centre shall be of limited duration and in no case shall such duration extend beyond the granting of medical clearance by the Health Authorities. UNHCR, JRS, IOM and Red Cross usually visit the Initial Reception Centre regularly to provide information sessions with the migrants.

160. In response to the recommendations made by the Committee, if family members and/or guardians are present, and if it is for the best interest of the child, the child is accommodated with his relatives after assessments to determine the relationship are carried out. Irregular migrants who are undoubtedly children shall immediately be treated as such

without recourse to any age assessment procedures. Age assessment shall be undertaken in other cases.

161. In cases with an element of uncertainty, the individual shall be given the benefit of the doubt and be considered a minor. Throughout the age assessment process, the assessing officials try as much as possible give the benefit of the doubt towards the alleged UMAS. The age assessment process is split into three phases namely: an initial assessment (Phase 1), a full age assessment (Phase 2) and decision (Phase 3) which cannot take more than 10 working days. If the child is not in agreement with the decision taken by the Age Assessment Team, he/she can file an appeal at Immigration Appeals tribunal.

162. If the case is decided that the person is a minor, a care order is issued. Through a Care Order, a child is placed into the care and custody of welfare services. A Care Order is issued to protect the child. Whenever a Care or Interim Order is issued, the child or young person is admitted into the care of the Minister responsible for welfare. In effect, the child or young person is placed in a public home. In such cases, the Minister would have the care and custody, as any ordinary parent or guardian, of the child. The social worker acts also as the legal guardian of the child.

163. In Malta, stringent employment laws exist which regulate the employment of a young person through the subsidiary legislation Young Persons (Employment) Regulations under, the Employment and Industrial Relations Act, Cap. 452. Young persons are persons under the age of 18 years and this includes children and adolescents. The law defines a "child" as a person who is under school leaving age (currently this is 16 years) and "adolescents" as persons who have attained 16 years of age but are less than 18 years of age. The aims of the Regulations are the prohibition of employment of children, except in certain specified circumstances and under strict conditions, and the provision of a protective legal framework for the employment of adolescents. Employment of children is only allowed in certain situations for the purposes of cultural, artistic, sporting or advertising activities and in light work if the child has attained at least 14 years of age. This is subject to prior authorisation by the Department of Industrial and Employment Relations (DIER) in each specific case.

164. In order for DIER to be in a position to consider a request for authorisation for employment of a child, the child has to be granted written permission by the education authorities that there is no objection to the child carrying out of such activities on the grounds that: (a) this is not likely to have an adverse effect on the child's attendance at school and (b) or on his/her participation in vocational guidance or training programmes. On his part, the employer has to provide a health and safety risk assessment of the work to be carried out by the child.

165. There is an exception to the requirement for an exemption by the education authorities in the case of children aged:

- Thirteen or more who are to take part in cultural, artistic, sports, advertising or educational activities, approved by the Minister responsible for education;
- Fourteen years of age, if they are either working under a combined work/training scheme or an in-plant work-experience scheme approved by the Minister responsible for education.

166. However, in such cases, the employer is obliged to notify DIER prior to engaging the child in such activities.

167. In issuing an authorisation, the Director responsible for Industrial and Employment Relations may attach such conditions as deemed fit on any issue relating to the conditions of employment of children, including on working time, night work, rest periods, and breaks which cannot be below the minimum set out in the schedule to the Regulations. Any such authorisation may be withdrawn at any time. Any employment contract entered into after authorisation has been granted has to specify the hours to be worked as well as the relative remuneration, which cannot be below the national minimum wage.

168. Working at night is regulated by the same law and varies according to the age of the young person. The Young Persons (Employment) Regulations under. the Employment and Industrial Relations Act, Cap. 452. stipulates that:

- No child can perform work between 8 p.m. on any one day and 6 a.m. of the following day;
- No adolescent shall perform work between 10 p.m. on any one day and 6 a.m. of the following day. This prohibition does not apply for work performed in the shipping or fisheries sectors, hospitals or similar establishments and cultural, artistic, sports or advertising activities, if there are objective grounds for such work to be carried out at night. The law also allows the Director some discretion to authorise work to be performed by adolescents in specific areas of activity during the period in which night work is prohibited, provided that no work is carried out between midnight and 4 a.m., and, in the case of adolescents attending an educational institution, no work can be carried out between midnight and 6 a.m. on any weekday during the period the adolescent is expected to attend such educational institution.

169. This law does not apply to occasional work or work carried out for a limited period in domestic service in a private household or to work in a family business that is considered as not likely to harm, injure or endanger young people.